

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-49596 of 2018

Date of decision:12.11.2018

Rahul Wadhwa

...Petitioner

v.

State of Punjab

...Respondent

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

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Present: Mr. Raman Goklaney, Advocate for the petitioner.

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**Inderjit Singh, J.**

The petitioner has filed this petition under Section 482 Cr.P.C. read with Section 438 Cr.P.C. with a prayer for quashing/setting aside wrong and illegal order dated 13.10.2018 (Annexure-P.1) passed by learned Additional Sessions Judge, Fazilka in Criminal Misc. Application No.282 of 21.07.2018 (Annexure-P.4), whereby the anticipatory bail granted to the petitioner vide order dated 25.04.2018 (Annexure-P.3) has been ordered to be cancelled. It has been further prayed for grant of concession of anticipatory bail to the petitioner in case FIR No.16 dated 09.02.2018 (Annexure-P.6) registered for the offences under Sections 420, 467, 468, 471, 506 and 120-B IPC read with Sections 7 and 13(2) of Prevention of Corruption Act, 1988 and (Sections 384 and 385 IPC, which were added later on) at Police Station City-I, Abhor, District Fazilka. It has further been

prayed that during the pendency of the present petition, the operation and implementation of order dated 13.10.2018 (Annexure-P.1) as well as arrest of the petitioner be stayed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that anticipatory bail was granted by the learned Additional Sessions Judge-I, Fazilka, vide order dated 25.04.2018, which on the basis of petition filed for cancellation of anticipatory bail, has been cancelled vide impugned order dated 13.10.2018. Aggrieved from that order, the present petition for setting aside the impugned order dated 13.10.2018 and for grant of anticipatory bail has been filed by the petitioner.

A perusal of the record shows that as per the prosecution, there are serious allegations that the Company of the present petitioner has got enhanced their credit limit from ₹15 Crores to ₹20 Crores by mortgaging the property of the complainant side. This fact regarding enhancing of credit limit and mortgaging the property have already been admitted by the present petitioner in the inquiry. The only argument of the learned counsel for the petitioner is that the complainant side i.e. Satpal (father-in-law) and Asha Rani (mother-in-law) of complainant-Dolly Arora, themselves have mortgaged their property.

After perusing the FIR and the record, I find that the main allegations are that signatures of Satpal and Asha Rani were obtained on blank documents forcibly by giving threat and sale deeds of property were taken away by giving threats, which later on were misused for advancing

loan, enhancing credit limits etc.

Keeping in view the facts and circumstances of the present case and after perusing the impugned order passed by the learned Additional Sessions Judge, Fazilka, I find that no illegality has been committed by him. Hence, neither any ground is made out for setting aside the cancellation order of bail nor any ground is made out for grant of anticipatory bail to the present petitioner as the petitioner is required for custodial interrogation in this case.

Therefore, from the above, finding no merit in this petition, the same is dismissed.

November 12, 2018.

**(Inderjit Singh)**  
**Judge**

\*hsp\*

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| <b>NOTE:</b> | Whether speaking/reasoned: | Yes |
|              | Whether reportable:        | No  |