

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-49646 of 2018

Date of decision:19.11.2018

Rajesh Lakra alias Rajesh Kumar

...Petitioner

v.

State of Punjab and another

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Arnav Sood, Advocate for the petitioner.

Mr. Pawan Sharda, Senior Deputy Advocate General, Punjab
for the respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. read with 482 Cr.P.C. for grant of anticipatory bail in case FIR No.16 dated 9.2.2018 registered for the offences under Sections 420, 467, 468, 471, 120-B and 506 IPC and 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, Abohar, District Fazilka as well as for quashing/setting aside order dated 13.10.2018 (Annexure-P.7) passed by learned Additional Sessions Judge, Fazilka in Criminal Misc. Application No.280 of 21.07.2018, vide which the anticipatory bail granted to the petitioner vide

order dated 18.4.2018 (Annexure-P.4) has been cancelled being illegal, cryptic and against settled principles of law. It has further been prayed that during the pendency of the present petition, the operation of impugned order dated 13.10.2018 (Annexure-P.7) be stayed.

Notice of motion has been issued in this case.

Mr. Pawan Sharda, Senior Deputy Advocate General, Punjab has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel 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 18.04.2018, 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 ₹6.75 Crores to ₹12 Crores by mortgaging the property of the complainant side. The facts 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.

A perusal of the impugned order shows that the application has been filed by the prosecution that the present petitioner is not cooperating with the Investigating Agency and he has not handed over the documents required in this case. The learned trial Court after discussing the facts in detail has cancelled the anticipatory bail granted to the petitioner.

A perusal of the order passed by the learned Additional Sessions Judge, Fazilka, now shows that any illegality has been committed. As the petitioner is not cooperating with the Investigating Agency and has not produced the documents which are required by the Investigating Agency, the anticipatory bail has been rightly cancelled by the learned Additional Sessions Judge, Fazilka. The order passed by the learned Additional Sessions Judge, Fazilka, is correct as per law and no illegality has been committed. Therefore, the same is upheld.

Keeping in view the facts and circumstances of the present case, nature and gravity of the offences and the active role played in the commission of the offences and the present petitioner is involved in the present case, therefore, no ground is made out for granting him anticipatory bail.

Therefore, from the above, finding no merit in this petition, the

[4]

same is dismissed.

However, nothing stated above will constitute my opinion on merits of this case.

November 19, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No