

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-9723-2018 (O&M)

Date of Decision:-10.9.2018

Rajender Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashwani Bhardwaj, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.765 dated 7.10.2017 under Sections 406, 415, 420, 468, 471 and 120-B of Indian Penal Code, 1860 at Police Station Civil Lines, Hisar.

The FIR in question was lodged at the instance of Ishwar Singh, wherein it has been alleged that he had raised a loan for an amount of ₹ 18 lacs from M/s Sandhya Finance Limited and that the petitioner Rajender Kumar is director of the said company. The complainant has alleged that at the time of raising of loan, two plots measuring 337 Sq.Yds. and 409 Sq.Yds. have been mortgaged. It is alleged that despite the fact that the loan amount had been repaid, the complainant proceeded to transfer the plots in question to someone else.

The learned counsel for the petitioner has submitted that the present case has infact been filed as a counterblast to the nine complaints filed against the complainant under Section 138 of Negotiable Instruments Act, 1938 by the petitioner apart from a civil suit pertaining to recovery of

amount. The learned counsel has further submitted that the petitioner, in any case, deserves the concession of anticipatory bail on grounds of parity inasmuch as four other co-accused have been granted anticipatory bail.

The learned State counsel, however, submits that a substantial amount is yet to be recovered from the petitioner and in these circumstances no ground for grant of anticipatory bail to the petitioner is made out.

Having heard the learned counsel for the petitioner and also the learned State counsel and bearing in mind the nature of allegations and also that the petitioner has since joined investigation, in my opinion, it is not a case warranting custodial interrogation. The petition, as such, is accepted and interim directions issued by this Court vide order dated 8.3.2018 are hereby made absolute subject to the condition that the petitioner shall appear before the Investigating Officer as and when directed.

The present petition stands disposed of accordingly.

10.9.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No