

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

213

CRM-M-6135-2019 (O & M)
Date of Decision:30.04.2019

Bijender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rao Ajender Singh, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.289 dated 15.06.2018 under Sections 420, 467, 468 and 471 IPC registered at Police Station Dharuhera, District Rewari. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 08.02.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the loan was obtained in the year 2011 and as a security share of the petitioner in the land was mortgaged with the bank. As per the allegations, the petitioner had a share only to the extent of 1/36th, whereas the loan was

advanced by considering the share as 1/3rd. It is further pointed out that a civil suit for recovery was also filed in the year 2013, which is still pending. Learned counsel for the petitioner has argued that the loan was advanced after verification by the bank regarding the share of the petitioner in the said land.

Notice of motion for 19.3.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel opposed the bail application on the ground that money is yet to be recovered and, therefore, the petitioner does not deserve the concession of anticipatory bail.

This court does not find any merit in this argument as the Bank has already initiated the recovery proceedings by way of civil suit and the

present proceedings are penal in nature. Therefore, custodial interrogation of the petitioner may not be necessary.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 08.02.2019 is made absolute. However, it is made clear that this order shall remain operative only till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

30.04.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No