

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

215

CRM-M-8563-2019 (O & M)
Date of Decision:30.04.2019

Ilyiyas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.S. Khurana, 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.135 dated 02.04.2018 under Sections 420, 467, 468, 471 and 120-B 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 26.02.2019 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 FIR was registered in April 2018 with the allegations that the loan obtained by the petitioner in the year 2009 was based on forged and fabricated revenue entries describing the land of the petitioner as excess holding whereas actually the land holding of the petitioner was

found to be less than that. Learned counsel for the petitioner has further pointed out that the petitioner is not the only person who has been involved in the said kind of case rather other farmers have also been indicted in similar manner. According to him, it is the bank manager and other officials who were involved in fabricating the documents pertaining the loan advanced to the innocent and illiterate farmers.

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, the 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 26.02.2019 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