

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.11232 of 2019
Decided on: 27.05.2019

Jhadmal and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Himanshu Rao, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.262 dated 08.06.2018 under Sections 420, 467, 468, 471, 120-B IPC, registered at Police Station Dharuhera, District Rewari.

The operative part of the order dated 10.05.2019, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Learned counsel for the petitioners submits that as per allegations in the FIR, the petitioners have submitted fake documents like jamabandi qua their ownership of the land, for obtaining the loan from the bank. It is further submitted that the petitioners are illiterate farmers and they had approached the revenue officials for obtaining copy of the jamabandi, which was verified by the panel Advocate of the bank and after due verification, the loan file was processed and the loan was disbursed.

On a Court query, learned State counsel, on instructions from ASI Bhagwan Dass, submits that till

date, no action has been taken against the Advocate, who has verified the documents, as FSL report qua his signatures, on the verification report, is awaited. It is further submitted that the loan amount against the petitioners has multiplied, as they are defaulters.

Be whatsoever, the repayment of the loan has civil consequences and the bank has civil remedy to recover the loan amount from the petitioners.

Considering the fact that when the petitioners had handed over the documents to the bank and the same were verified, at the initial stage by the bank panel Advocate as well as by the bank officials to find out whether these are genuine or fake, the loan could be denied, I am of the opinion that the petitioners are entitled to anticipatory bail.

List again on 27.05.2019.....”

Counsel for the petitioners has submitted that, in pursuance to the order dated 10.05.2019, the petitioners have appeared before the Investigating Officer and have joined the investigation.

Counsel for the State, on instructions from ASI Bhagwan Dass, has not disputed the aforesaid fact and submits that the petitioners are no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 10.05.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

27.05.2019

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No