

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

CRM-M-24181-2018 (O&M)

Date of decision: 07.03.2019

Bhupender Singh Goondli

....Petitioner

Versus

Shyam Lal and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. N.S. Shekhawat, Advocate for the petitioner.

Mr. S.S. Mor, Advocate for respondents No.1 to 4.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the order dated 04.05.2018 (Annexure P-1) passed by the Additional Sessions Judge, Hisar, vide which application filed by the petitioner-complainant in FIR No.667 dated 19.08.2017 under Sections 406, 420, 120-B, 34, 506 IPC, Police Station Civil Lines Hisar, for cancellation of anticipatory bail granted to respondents No.1 to 4, vide orders dated 12.09.2017 and 20.09.2017, was dismissed.

Brief facts of the case are that the petitioner got the aforesaid FIR registered with the allegations that he is married to Smt. Geeta, who is daughter of accused Shyam Lal and Sumitra and sister of accused Bhupender Singh and Balvinder. It is further stated that the accused persons,

in conspiracy, had taken loan of Rs.40.00 lacs from him for a period of one year in the year 2012, but refused to repay the same and after a Panchayat was convened, accused Balvinder undertook to repay a sum of Rs.30.00 lacs with a further rider that if he failed to return the amount, he will transfer ownership of plot measuring 500 sq. yards. The agreement was written by accused Balvinder and witnessed by accused Shyam Lal. It is further stated that despite this agreement, the accused have neither returned the amount nor have transferred ownership of the plot in the name of wife of the complainant. Accused Sumitra and Balvinder filed an application for anticipatory bail, in which, on 12.09.2017, it was noticed by the Additional Sessions Judge that an amount of Rs.30.00 lacs was given by the complainant to them and they are ready to make a statement in this regard and on the next date, the Additional Sessions Judge recorded separate statement of Sumitra and Balvinder that they will return the amount at the interest rate of 1.5% till its realization and thereafter, they were granted anticipatory bail vide order dated 12.09.2017, which was later on confirmed. Similarly, in a separate application filed by Shyam Lal and Bhupender Singh, identical statements were made on 20.09.2017 and they were also granted anticipatory bail.

Learned counsel for the petitioner submits that since the accused persons have failed to abide by the statements made before the Additional Sessions Judge at the time of grant of anticipatory bail, the same is liable to be cancelled and the Additional Sessions Judge has wrongly dismissed the application of the petitioner for cancellation of bail.

In reply, learned counsel for respondents No.1 to 4-accused as well as learned State counsel have submitted that the application filed by the petitioner-complainant do not meet the requirement of the grounds, on which the bail can be cancelled, as neither there is any allegation that accused have misused the concession of bail nor there are allegations that they are threatening the complainant or any of the witness. It is further submitted that respondents No.1 & 2 are father-in-law and mother-in-law of the petitioner, whereas respondents No.3 & 4 are his brothers-in-law and it is a money dispute, in which respondents could not repay the amount, due to their poor financial condition and therefore, it will be a debatable issue whether any offence is made out against them, as the complainant has a remedy of recovering the amount or seeking execution of the agreement between the parties, which forms basis for registration of the FIR.

After hearing learned counsel for the parties and going through the impugned order passed by the Additional Sessions Judge, wherein it has been specifically held that the petitioner has failed to make out any ground for cancellation of anticipatory bail granted to respondents No.1 to 4, I find no ground to differ with the observations made by the Additional Sessions Judge.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

07.03.2019
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No