

209

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

**C.R.M-M No.15699 of 2019
Date of Decision : 03.05.2019**

Surinder Bansal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. J.S. Bedi, Sr. Advocate
with Mr. Sunil Sihag, Advocate
for the petitioner.

Mr. Gaurav Bansal, A.A.G., Haryana.

AJAY TEWARI, J. (Oral)

Prayer in the present petition filed under Section 438 of the Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.93 dated 22.02.2019 registered under Section 13(1)(e) of the Prevention of Corruption Act, 1988 at P.S. Baldev Nagar, Ambala.

The allegations against the petitioner are that firstly he being a Government servant was indulging in the business of money lending; secondly he obtained interest without having a license and without informing his employer and those transactions were not recorded in his income tax returns; thirdly, in various cases he had filed under Section 138 of the Negotiable Instruments Act he had gone and attended the court hearings without the permission of his department and in some cases he had

claimed TA/DA even though he had not gone for official purpose but had only gone to attend his cases.

Learned Senior Counsel for the petitioner has argued that actually the case of the petitioner is that whatever money he given was out of friendly relations and he had never charged any interest for the same and therefore there is no infraction of any rule. Moreover as per the learned Senior Counsel, there is no allegation that he had either demanded or taken any bribe.

Learned Assistant Advocate General has argued that the mere fact that the petitioner has instituted so many cheque bounces cases without reflecting the same in his income tax returns reveals that he is in possession of assets disproportionate to his income.

In my opinion, these allegations if proved would definitely render the petitioner liable for punishment but as of now it would not be in the interest of justice to subject him to custody. In view of the facts and circumstances of the case, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner.

Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail by the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioner is directed to appear before the investigating officer on 20.05.2019 and on any other date as and when his presence is required. In case the petitioner does not appear before the investigating officer in the aforesaid manner the present petition would be deemed to

have been dismissed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

May 03, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No