

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

CRM-M-17905-2019
Date of decision:27.05.2019

Yasar Arafat Haji Aiyub Kapadia

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr.Pratham Sethi, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Keshav Pratap Singh, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.748 dated 23.11.2017 under Sections 114, 120-B, 406, 420 467, 468, 471 of the Indian Penal Code (Section 216 IPC added later on), Police Station Civil Lines, Gurugram.
2. The-allegations in nut-shell are that petitioner had raised loan of ₹71.5 Lakhs by mortgaging property bearing No.201/B2, Rehmani Square Society, Surat whereas in fact it was later found that they have raised loan from 3 different banks against the same property by manipulating and changing identification and by creating fake ownership documents like allotment letters etc.

3. Learned counsel for the petitioner has submitted that the petitioner is neither named in the FIR nor is a Director of M/s Al Fatah Tours Travels and is being implicated in order to pressurize his parents, who are Directors of M/s Al Fatah Tours Travels, being their son.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that the petitioner is sought to be arrested in the present case on account of the fact that he had been harboring his parents so as to defeat efforts of the police to effect their arrest and in these circumstances he does not deserve the concession of anticipatory bail.
5. It has also been informed that at some point of time the petitioner had attacked the police and had got released his father when he was in police custody. However, it has also been informed that regarding the said incident separate FIR was registered at Surat, in which he has been granted concession of bail.
6. I have considered rival submissions addressed before this Court. Although in the FIR, the allegations levelled relate to alleged fraud but the said allegations of fraud are not against petitioner. He is alleged to have harboured his parents who are involved in the fraud. In my opinion, it is not a case where custodial interrogation is warranted. Accordingly the petition is accepted and the interim directions issued vide dated 23.4.2019 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do

so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

27.05.2019
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No