

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

**CRM-M No. 21075 of 2019
Date of decision: 16.05.2019**

RAJAN GARG

...PETITIONER

VERSUS

C.B.I. CHANDIGARH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. S.S. Rana, Advocate
for the petitioner.

Mr. Ajaivir Singh, Advocate
for the complainant.

Mr. S.S. Sandhu, Special Prosecutor, CBI, Chandigarh

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. RC-221/2017/E0022 dated 16.11.2017 under Sections 120-B and 420 of the Indian Penal Code, registered at Police Station CBI/EOU-VII/EO-III, New Delhi.

Learned counsel for the petitioner contends that the petitioner was neither a partner nor had any concern with the firm M/s Royal Empire. It is alleged in the FIR that the firm M/s Royal Empire in connivance with the petitioner and others including the evaluators had inflated the evaluation of the properties on the basis of which a loan of Rs. 10 crores was obtained from the bank. He also contends that the mother of the petitioner, namely, Anju Garg, has already been granted ad interim bail by a Coordinate Bench of this Court by order dated 10.09.2018 passed in CRM-M-39296 of 2018.

Learned counsel for the petitioner further contends that as the case is based on documentary evidence, he is entitled to anticipatory bail. He has relied upon two judgments of a Coordinate Bench of this Court in **CRM-M-1741 of 2012 titled as Palle Ram Sarpanch Vs. State of Haryana, decided**

State of Punjab, decided on 27.03.2009.

Learned Special Prosecutor, CBI contends that the petitioner was actively involved in the day to day affairs of firm M/s Royal Empire and M/s Garg Contractors. The petitioner had given surety of his property by inflating its value in connivance with the other accused and the evaluator on the basis of which the loan of Rs. 20 crores was sanctioned. After the sanction of the loan, a sum of Rs. 35 lakhs had been deposited in the account of the petitioner which was withdrawn by him that very day and therefore custodial interrogation of the petitioner would be necessary.

Heard.

The judgments cited by the learned counsel for the petitioner are distinguishable and not applicable to the facts of the instant case. The judgment in the case of **Palle Ram Sarpanch (supra)** pertain to the misappropriation of funds by the Sarpanch while the judgment in the case of **Naresh Kumar (supra)** is with regard to withdrawal of money invested in the Post Office Monthly Investment Scheme and the public prosecutor had made a statement therein that he is not required for custodial interrogation. However, the allegations against the petitioner in the instant case are that he has inflated the value of his property for helping M/s Royal Empire obtain the loan of 20 crores and part of the money had been channelised through the account of the petitioner.

I do not deem it appropriate to grant him anticipatory bail.

Consequently, the petition stands dismissed.

16.05.2019
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No