

213

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

CRM-M-31521 of 2019 (O&M)

Date of decision: August 29, 2019

Surjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Akbarjit Singh, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner, in FIR No.45 dated 28.06.2019, under Section 420 of Indian Penal Code, 1860, registered at Police Station City Banga, District SBS Nagar.

As per prosecution case, petitioner obtained a loan of ₹15,00,000/- from the Bank-complainant, on 09.08.2011 after mortgaging his house measuring 07 marlas situated at village Sahni, but did not pay the entire principal amount along with interest to the Bank. When Bank initiated proceedings for taking possession of mortgaged property, it was found that petitioner had mortgaged some other land having less value.

On 25.07.2019, while issuing notice of motion, this Court has passed the following order:-

“Contents that the present FIR was registered after a period of 08 years for sanction of the loan and moreover, immovable property of the petitioner is already mortgaged

with the Bank and even a recourse before Debt Recovery Tribunal (DRT), Chandigarh has already been taken.

Notice of motion for 29.08.2019.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from police official present in Court to assist him has stated that in terms of order dated 25.07.2019, petitioner has joined investigation and his custodial interrogation is not required.

In view of the above, order dated 25.07.2019 granting interim bail to the petitioner, is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

August 29, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No