

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43720-2019

Date of decision: 20.11.2019

Robin Kapoor

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.32 dated 26.02.2019 under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Division No.6, Jalandhar, District Jalandhar.

While granting interim bail to the petitioner, following order was passed by this Court on 16.10.2019: -

“...Learned counsel for the petitioner submits that vide order dated 03.07.2019 passed in CRM-M-27634-2019, co-accused Lovepreet Singh has already been granted the concession of interim bail, by passing the following order: -

“Learned counsel for the petitioner submits that as per the allegations in the FIR, got registered by complainant

Gurmej Singh, the petitioner, without the consent of the complainant, had obtained a loan from HDFC Bank for purchasing a JCB machine.

Learned counsel for the petitioner further submits that the petitioner has already cleared the loan on 15.12.2018 and has obtained an NOC in this regard.

Learned counsel for the petitioner has referred to the FIR, wherein, the Investigating Officer, with reference to an official of HDFC Bank, has mentioned that the ID proofs of complainant Gurmej Singh were given by the petitioner as Guarantor and only the petitioner knows about the details of the same. The FIR further mentions that in case any employee/officer of the HDFC Bank is found involved, necessary action will be taken against him.

Learned counsel for the petitioner further submits that admittedly the loan was granted after due sanction and verification by the Bank and later on, Robin Kumar, Sales Manager, HDFC Bank, has put the entire liability upon the petitioner....”

Learned counsel for the petitioner further submits that the aforesaid order was made absolute subsequently on 25.07.2019. It is further submitted that in fact, the petitioner being Sales Manager of the Bank had sanctioned the loan, on verification done by his subordinate officials, however, the fact remains that the loan was sanctioned on the basis of fake documents. It is also

submitted that the entire loan amount has already been repaid prior to registration of the FIR...”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation and he has also prepared a demand draft of Rs.1.00 lac, which is not accepted by the HDFC Bank, as it was not clarified in what account, it should be deposited.

Learned State counsel, on instructions from ASI Heera Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 16.10.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

The petitioner will deposit the costs of Rs.1.00 lac in the Punjab and Haryana High Court Advocates Welfare Fund within a period of 15 days from today, failing which it will be open for the Investigating Officer to apply for recalling of this order.

[ARVIND SINGH SANGWAN]
JUDGE

20.11.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No