

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

**CRM-M No. 47295 of 2019
Decided on: 16.11.2019**

Deepak

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sushil Jain, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.156 dated 03.05.2019, registered under Sections 420 and 120-B IPC at Police Station Kharkhoda, District Sonapat.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of one Dalbir Singh, he has received a notice from Mahindra and Mahindra Finance Company for deposit of the loan installment taken in the name of his son namely Rakesh who has purchased a Duster car. On verification, the complainant found that his son has never taken any car and in fact, on Rishipal son of Virender, a co-villager has taken the car and has raised the loan in the name of the son of the complainant and was using the car. It is further submitted that during the investigation, Rishipal was arrested and the car was recovered and later on, he was granted the concession of regular bail. It is also submitted that in fact the car was sold and financed through Aseem Autos Private Limited where the

petitioner has never worked.

Counsel for the petitioner has further argued that the petitioner is assigned a token No.23194069 and even, Aseem Autos Private Limited has issued a Certificate that the petitioner is not working in their Renault Showroom. Counsel for the petitioner has relied upon the statement of account relating to the sanctioning of the loan for the aforesaid Duster vehicle in the name of Rakesh Kumar son of the complainant wherein, the co-accused Rishipal was shown to be a guarantor and the contact employee was named as one another Deepak with Code No.CT4000009541. It is further argued that Mahindra and Mahindra Finance Company, the principal employer of the petitioner has never lodged any complaint against the petitioner to the police and in fact, the petitioner was not an instrument in sanctioning of the loan. It is also submitted that during the pendency when the anticipatory bail was pending before the Additional Sessions Judge, he has joined the investigation on three occasions and was not required for further investigation, however, later on, the same was dismissed.

Counsel for the State, on instructions from ASI Chand Singh, could not dispute the factual position but opposed the prayer for bail. It is further submitted that the contact employee namely Deepak who was an instrument in the sanctioning of the loan is the different person then, the petitioner Deepak and further argued that on the asking of the said contact employee, the petitioner got the loan sanctioned.

Without commenting anything on merits of the case, considering the submissions made by counsel for the parties, this petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 10 days from today to join

investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

- 1. *He shall make himself available for interrogation by a police officer as and when required;*
- 2. *He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. *He shall not leave India without previous permission of the Court.*

However, it will be open for the Investigating Officer to issue an advance notice in writing to the petitioner in case he is required for further investigation after joining the same.

(ARVIND SINGH SANGWAN)
JUDGE

16.11.2019
yakub

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