

CRM-M-13363-2020

Date of decision: 01.06.2020

Rajesh Kumar and another

....Petitioners

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Tanvir Singh Grewal, Advocate
for the petitioners.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Mr. B.S. Virk, DAG, Haryana puts in appearance on behalf of the State on his own.

The petitioners are brothers; Rajesh Kumar and Arvind Kumar, who have sought their first anticipatory bail in a case bearing FIR No.20 dated 19.02.2017 under Sections 406, 420 and 120-B of the Indian Penal Code (subsequently, added Sections 409, 467, 468 and 471 of the Indian Penal Code) registered at Police Station Jathlana, Yamuna Nagar.

The present case was got registered on the complaint of Chairman of Yamuna Nagar Central Cooperative Bank. In the complaint, it is alleged that in March, 2014, the Bank officials, in connivance with the certain private officials, were disbursing loans

based on false documents and upon inquiry, when the entire gamut of the allegations were highlighted, certain loan files vanished and, therefore, claim that an amount between ₹5 to 6 crores of the Bank, stood embezzled.

Learned counsel for the petitioners *inter alia* contends that there is no specific allegation against the petitioners nor they are named in the FIR. It is asserted that the entire loan amount, so advanced to the petitioners, stands paid and has sought to place reliance on certificates (Annexures P-3 to P-5) arguing that the entire loan stands cleared and, therefore, there is no cause for custodial interrogation is made out and that the petitioners are ready to join the investigations.

The learned State counsel though does not displace the facts but has strongly opposed the grant of bail on the grounds that the petitioners are not license holders of the firm, under which, they were running the firms to whom the loans were advanced and, therefore, on account of this, the petitioners are not entitled to any bail.

Going through the submissions, it is the own stand of the State that the entire loan amount stands paid by the petitioners and nothing is due towards them. It is also the case of the State that there is no allegation of forgery, impersonation against the petitioners and the only semblance of opposition, is that they are not license holders of the firm and were illegally running the

business. The present allegations are not pertaining to the same and are over the advancement of loan, which stands duly paid and nothing is to be recovered from the petitioners.

This Court is of the opinion that it would be a travesty of justice to send the petitioners in custody in the present case and their joining the investigations would suffice the purpose. Accordingly, the petitioners are directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on their doing so, they shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioners shall continue to join investigation and shall furnish an undertaking that they shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, they will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

01.06.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No