

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

CRM-M-29714-2020 (O&M)

Date of decision : 25.09.2020

Gagan Puri

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Yagyaang Ajay, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the third petition that has been filed for grant of anticipatory bail to the petitioner in FIR No. 34 dated 19.03.2019, registered under Sections 420 and 120-B of the IPC at Police Station District Police Commissionerate Jalandhar.

The first petition, bearing **CRM-M-30695-2019**, was dismissed by passing a detailed order on 22.07.2019. The operative part of the order reads as under:

“Counsel for the petitioner has submitted that as per the allegations in the FIR, the complainant has stated that the petitioner along with his wife – Pooja Puri and his brother Vikas Puri, has taken a loan from the Bank of India on Flat No.1 measuring about 1300 sq. ft. by mortgaging the same with the bank, however, on verification it was found that only part construction has been made on Plot No.1 and by showing Flat No.C-4 and B-4, the petitioner along with 02 other co-accused has obtained the loan against a non-existing property and

showing property of the complainant and has cheated him. Counsel for the petitioner has further submitted that, in fact, there is no dispute that the petitioner is the owner of Flat No.1 and has no connection with Flat No.C-4 and B-4, therefore, he has not committed any fraud. It is also argued that the matter is purely of civil nature and the petitioner has no dealing with the complainant as the complainant has purchased the flat from the father of the complainant Narinder Puri. It is further submitted that the co-accused Narinder Puri has been granted the concession of interim bail by this Court.

Counsel for the petitioner has further submitted that even the bank has initiated the proceedings before the Debt Recovery Tribunal and therefore, it being a case of civil nature, the petitioner be granted the concession of anticipatory bail.

In reply, counsel for the State on instructions from the Investigating Officer has submitted that on a complaint moved by the complainant, an enquiry was conducted by the Deputy Commissioner of Police, Jalandhar and according to the report, the petitioner had purchased Flat No.1 in the year 2007 and later on, he has obtained a loan of Rs.12.28 lacs from the bank by mortgaging the sale deed, however, the petitioner along with his wife Pooja Puri and brother Vikas Puri by showing the photograph of the flat of the complainant i.e. Flat No.C-4, has obtained the loan and in that process, the bank officials have sealed Flat No.C-4, the property which was never owned by the petitioner, his wife and his brother. It is further argued by counsel for the State that apparently all the 03 accused persons by showing the property of the complainant have obtained a loan from the bank by playing fraud and therefore, the intention of the accused persons to commit the fraud is apparent since

inception of the loan transaction as they knew that the property which is being mortgaged is in fact not a flat.

After hearing the counsel for the parties and considering the serious allegations against the petitioner, I find no ground to grant the relief of anticipatory bail to the petitioner.

Dismissed.”

Thereafter, the second petition, bearing **CRM-M-44416-2019**, was dismissed as withdrawn on 18.10.2019.

Now, by way of filing the present petition, i.e. the third petition, learned counsel for the petitioner seeks to argue the case on the same grounds which were available to petitioner when his aforesaid two petitions were dismissed.

The only new ground which is stated in the petition is that in compliance of an order passed by this Court in a Civil Writ Petition, the bank has opened the seal and some proceedings have been initiated in Debts Recovery Tribunal, however, the fact remains that the allegations of cheating as per FIR do not get dissolved after initiation of aforesaid proceedings at subsequent stage.

It is worth noticing here that FIR was registered on 19.03.2019 and despite the lapse of one and a half year, the petitioner has neither surrendered before the Court/police nor is allowing the police to conclude the investigation.

Learned State counsel has also opposed the bail on the ground that there are serious allegations against the petitioner.

In view of the above, without commenting on the merits of the case, finding no ground to grant concession of anticipatory bail to the petitioner, the present petition is dismissed.

25.09.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

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