

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

207

**CRM-M-48197-2019
Date of decision: 05.03.2020**

Narinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Prashant Bansal, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab
for respondent No.1.

Mr. Anil Sarwal, Chief Manager,
State Bank of India, ADB Branch, Bassi Pathana.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed this (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.9 dated 11.01.2019 registered under Sections 420, 406, 465, 467, 468 and 471 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Bassi Pathana, District Fatehgarh Sahib.

While issuing notice of motion on 14.11.2019, this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

Learned State counsel has appeared on behalf of respondent No.1-State and opposed the bail application.

Respondent No.2-Chief Manager, State Bank of India, ADB Branch, Bassi Pathana has appeared in person.

I have heard learned counsel for the petitioner, learned

State counsel and respondent No.2 and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner took three loans against the mortgage of his house/land. The petitioner has already paid the loan amount to IDBI Bank and is ready to pay the loan amount to State Bank of India, ADB Branch, Bassi Pathana, Fatehgarh Sahib and State Bank of India, Fatehgarh Sahib Branch. In FIR No.204 dated 09.12.2018 registered under Sections 420, 406, 465, 468, 471 and 120-B of the IPC at Police Station Fatehgarh Sahib on complaint of the concerned officer of State Bank of India, Fatehgarh Sahib Branch, the petitioner and his wife have been granted interim anticipatory bail. The petitioner has joined the investigation and his custodial interrogation is not required. The parties have settled their dispute by way of an amicable settlement before the mediator.

Learned State counsel, on instructions from the investigating officer, has acknowledged that in compliance with order dated 14.11.2019 passed by this Court, the petitioner has joined the investigation and submitted that his custodial interrogation is not required for effecting any recovery.

Respondent No.2-Chief Manager, State Bank of India, ADB Branch, Bassi Pathana has acknowledged that the parties have settled their dispute amicably.

In view of the facts and circumstances of the case, nature of accusation, the parties have entered into an amicable settlement and also the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case,

I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 14.11.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

05.03.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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