

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

CRM-M-8923 of 2021

Date of Decision: 17.08.2021

Vikas Katoch

Petitioner

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Manjeet Singh, Advocate for the petitioner.
Ms. Harpreet Kaur, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 14 dated 6.1.2021, under Sections 120-B, 420 IPC (Sections 467, 468 and 471 IPC added later on), registered at Police Station Sector 14, Panchkula.

This Court on 22.3.2021 passed the following order:-

“The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for grant of pre-arrest bail in FIR No. 14, dated 6th January, 2021, under Sections 120-B, 420 of IPC (Sections 467, 468 and 471 IPC added later on), registered at Police Station Sector 14, Panchkula, District Panchkula.

As per facts of the case, prima facie it appears to be financial transaction for which the

respondent No. 2 (hereinafter 'bank') has already initiated recovery proceedings in the Debts Recovery Tribunal. There are pending proceedings under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter 'Act').

It is pertinent to note that bank had given cheques directly to the seller i.e. M/s G-3 Motor and not to the petitioner. There was supply of only one machinery instead of four.

The contention of Sh. Hittan Nehra that on dishonour of two refund cheques, the petitioner failed to initiate proceedings under Section 138 of the Act against the seller, itself cannot be a ground to deny personal liberty to the petitioner. It is appropriate to note that it was the petitioner who informed the bank that only one machinery was supplied instead of four.

Considering the facts, the petitioner is granted interim bail subject to his joining investigation within two weeks. In the event of arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438 (2) of Cr.P.C.

List on 28th April, 2021.”

Reply filed on behalf of the State through electronic medium is taken on record.

Learned State Counsel, on instructions from SI-Surjit Singh submits that though the petitioner has joined but machine is yet to be recovered.

This is a case where allegations are misappropriation of loan

taken for purchase of machinery.

As no custodial interrogation is needed, the interim bail granted on 22.3.2021 is made absolute.

Disposed of accordingly.

[AVNEESH JHINGAN]
JUDGE

17th August, 2021
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |