

**206 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-17702-2021
Date of Decision: 27th October, 2021**

Harjit Singh Khangora

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. H.P.S. Ghuman, Advocate
for the petitioner.

Ms. Bhavna Gupta, Deputy Advocate General, Punjab.

Mr. P.S. Ahluwalia, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No.55, dated 01.04.2021, under Sections 409, 406, 420, 120-B IPC, registered at Police Station Kotwali Nabha, Tehsil Nabha, District Patiala.

On 2nd June, 2021 following order was passed:

“Counsel for the petitioner has urged that a monetary dispute, which is purely civil in nature, has deliberately been given a criminal colour by lodging of FIR, Annexure P-1. He submits that the complainant is a practising doctor and is running a private hospital at Nabha. He argues that the complainant stood as a guarantor to the loan extended by the State Bank of India to a partnership firm namely, M/s Guru Ram Dass Agro Industries & Implements, in which the petitioner was a partner. He submits that the petitioner retired from the partnership firm on 12.05.2016 and a new partner was inducted on 13.05.2016 and both the retirement deed as well as the fresh partnership deed have been duly signed by the complainant as a witness. It is his argument that till the year 2016, the complainant did not have an grudge nor did he file any complaint. He submits that a complaint under Section 138 of the Negotiable Instruments Act, 1881, was instituted against the petitioner in 2018 and in

the year 2020, the complainant filed a writ petition before this Court questioning the action taken by the Bank under the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002, both of which are stated to be pending. He submits that the petitioner is no longer associated with the partnership firm and the FIR, Annexure P-1, has been lodged on 01.04.2021 to deliberately pressurize the petitioner.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab, who is assisted by Mr. P.S. Ahluwalia, Advocate, for the complainant accept notice. Counsel for the complainant submits that certain vital facts have not been brought to the notice. He prays for time to file an affidavit.

List on 07.10.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

Learned State Counsel, on instructions from ASI Amarjit

Singh submits that the cancellation report has been prepared and would be filed before the Court concerned. She further submits that petitioner has joined the investigation and co-operated.

Though complainant has not been impleaded as party, Mr. P.S. Ahluwalia, Advocate puts in appearance on behalf of the complainant and opposes the confirmation of interim bail. He submits that petitioner has criminal antecedent and is involved in another case.

Considering the fact that petitioner has joined the investigation, the investigation is complete. Police authorities are in process of filing cancellation report, the interim bail granted on 2nd June, 2021 is made absolute.

Disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

27th October, 2021

Parveen Sharma

PARVEEN SHARMA
2021.10.27 16:27
I attest to the accuracy and
integrity of this document

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No