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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.21107 of 2021 (O&M)
Decided on: 13.09.2021

Darshan Gupta

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. Isha Goyal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.0130 dated 13.12.2019, registered under Sections 406, 420, 120-B of the IPC at Police Station Dhakoli, District S. A. S. Nagar.

The operative part of the order dated 27.05.2021, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Learned counsel for the petitioner submits that petitioner is a proprietor of a firm namely M/s Radhe Scaffolding and has obtained a credit facility of Rs. 10 Lakh in the year 2015. Later on, the business of the petitioner could not pull on and, therefore, he could not repay the loan in time, however, the property, which was hypothecated with the bank, has already been attached.

Learned counsel further submits that matter is pending before the Debt Recovery Tribunal, wherein the proceedings are pending for effecting recovery and for

CASE HEARD THROUGH VIDEO CONFERENCING

sale of the property of the petitioner.

Learned counsel further submits that on the face of it, no offence under Section 420 IPC is made out as there is no allegation in the FIR that petitioner has forged any document or has submitted any such document to complainant-bank while obtaining loan.

Learned counsel further submits that it is matter of civil dispute regarding recovery of amount and, therefore, the complainant-bank resorted to civil remedy available to them and when the FIR was registered, no notice under Section 41-A Cr.P.C. was issued.

Notice of motion for 13.09.2021....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 27.05.2021, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from HC Jaskaran Singh, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 27.05.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

13.09.2021
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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No