

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

CRM-M-21714 of 2021(O&M)

Date of Decision: 03.06.2021

Mithu Ram

Petitioner.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Akshay Bhan, Sr. Advocate
With Mr. Sushant Kareer, Advocate
and Mr. Ishan Gupta, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG., Punjab.

Mr. Aman Dhir, Advocate
for the complainant.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner, seeks the concession of bail pending trial in FIR No.97 dated 10.05.2021, under Sections 420, 467, 468, 471, 120-B IPC, registered at Police Station Dirba, District Sangrur.

It is submitted that the petitioner is sought to be falsely implicated in this FIR which has been registered due to business dispute between the petitioner and the complainant. It is further submitted that the petitioner and complainant had cordial relations in the past and from the year 2014 they were running a number of joint ventures and were in-fact business partners. Unfortunately, some conflicts and dispute arose between the petitioner and complainant in the year 2017.

Learned senior counsel for the petitioner vehemently argues that even as per allegations in the FIR, loan amount in question was obtained by the petitioner, his family members in their own name by mortgaging their own property. Complainant had initially agreed to be a guarantor for the loan at the outset. However, he withdrew his guarantee way back in the year 2018. Thereafter, name of the complainant was deleted as a guarantor by the Bank and fresh guarantee of Harneet Singh son of Jagdheer Singh was furnished by the petitioner. Loan amount is the sole liability of the petitioner *qua* the share of the land belonging to the petitioner and his family members. The complainant in-fact has no concern whatsoever with the loan amount. It is the business dispute between the petitioner and complainant, which has led to registration of the said FIR. Learned counsel further submits that co-accused in this case namely Veena Rani, wife of the petitioner, Nishant Garg, son of the petitioner, Prince Garg, nephew of the petitioner and Shakuntala Devi, sister-in-law of the petitioner, have been granted the concession of anticipatory bail by this High Court on 28.05.2021 in CRM-M-21377 of 2021 and CRM-M-21333 of 2021. It is further submitted that no recovery has to be effected from the petitioner, who is not involved in any other criminal case except FIR No. 216 dated 27.06.2021, which has also been registered at the instance of the present complainant. Petitioner has been afforded the concession of bail in abovesaid FIR by the learned Additional Sessions Judge, Sangrur vide order dated 04.07.2020. It is thus prayed that this petition be allowed.

Learned counsel for respondent-State as well as Mr. Aman Dhir, Advocate, learned counsel for the complainant, oppose this petition. It is submitted that the land which has been mortgaged is joint. Moreover, as per the

FSL report, signatures of the complainant on the documents in question, wherein complainant was shown to be a guarantor, have been found to be forged. It is thus prayed that this petition be dismissed.

Heard learned counsel for the parties.

As per allegations in the FIR, complainant states that he was shown to be a guarantor qua a loan secured by the petitioner and his signatures on the documents were forged. It is not disputed by learned counsel for the complainant that petitioner and the complainant were engaged in joint business ventures from 2014 till 2017. It is further not in dispute that guarantee of the complainant qua loan in question, was deleted in the year 2018 itself and a fresh guarantee of Harneet singh son of Jaghdeer Singh was furnished by the petitioner. Learned counsel for the complainant further is unable to deny that the loan in question has been taken by the petitioner *qua* his own share as well as share of the petitioner's family members as is evident from the Jamabandi for the year 2017-18, attached as Annexure P-6 with this petition.

Learned counsel for the respondent-State, on instructions from SI Mohinderjit Singh, verifies that no recovery is to be effected from the petitioner, at this stage.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case as well as the peculiar conditions created due to the outbreak of pandemic COVID-19.

Keeping in view the facts and circumstances as above but without

commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Mithu Ram, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

03.06.2021

s.khan

[LISA GILL]

Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.