

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

CRM-M-23419-2021 (O&M)

Date of Decision:02.07.2021

Ashok Kumar

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Kanwar Pahul Singh, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

This is the second petition preferred by the petitioner under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.54, dated 16.04.2021, under Sections 420/120-B IPC, registered at Police Station Division No.2, Pathankot.

The first petition bearing no. CRM-M-20390-2021 had come up for hearing before this Court on 21.05.2021 and the counsel at that point of time being confronted with a situation where this Court was not inclined to intervene had sought withdrawal of the petition.

Counsel has been heard at length today and the case paper book has been perused.

Complainant in the present case is Allahabad Bank.

Allegations are that a loan facility had been taken by the petitioner along with co-accused i.e. his wife against a certain property.

Inspite of the property in question having been mortgaged and the loan amount being outstanding, petitioner along with co-accused i.e. his wife had sold out the property.

Counsel would submit that after withdrawal of the first petition, subsequent developments have taken place inasmuch as the petitioner along with his wife have entered into certain negotiations with the bank to return outstanding loan amount.

No documents in support of such contention have been placed on record. Counsel is not even in a position to refer to the loan account statement that may have been issued by the complainant/bank.

Allegations against the petitioner and his wife (co-accused) are serious in nature. After all, these are public funds held by the bank in trust and out of which loan facilities are extended. The petitioner and his wife have hoodwinked the bank inasmuch as the property which had been mortgaged and was a collateral/security to the loan availed had been sold out.

That apart, inspite of the previous petition seeking anticipatory bail having been withdrawn on 21.05.2021, petitioner has chosen not to join investigation till date.

Conduct of the petitioner dis-entitles him from the concession of pre-arrest bail.

Petition dismissed.

02.07.2021

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No