

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-31753-2020 (O&M)
Date of Decision:-22.3.2021

Vashist Tiwari ... Petitioner

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vipul Joshi, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Bijender.

Mr. Tejeshwar Singh, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0318 dated 7.9.2020 at Police Station Sector-31, Faridabad, District Faridabad under Sections 420, 406 and 506 of Indian Penal Code.
2. The matter in hand pertains to advancement of loan against gold.
3. As per case of the complainant loan amount of ₹15 lakhs and another amount of ₹15,93,200/- was advanced to the petitioner against which he was supposed to pledge gold articles/jewellery, but the petitioner very cleverly

represented that the gold pledged by him with another financial firm would be transferred to the complainant but did not transfer any gold at all and on account of which the loan stands unsecured.

4. On the other hand, learned counsel for the petitioner, while admitting the factum of receipt of loan for an amount of ₹15 lakhs and another ₹15,93,200/-, has stated that infact he had deposited 300 grams of gold articles while receiving the first transaction of loan amounting to ₹15 lakhs, for which no receipt was issued by the complainant's firm. He has, however, submitted that he did not deposit any gold qua the second transaction.
5. Having heard the learned counsel for the parties, it will certainly be debatable as to whether the petitioner had deposited any gold at the time of receipt of loan or not. In any case, since the entire transaction may infact be a civil liability only, the petition is disposed off with a direction to the petitioner to deposit an amount of ₹15 lakhs within a period of 2 weeks subject to the condition that the account in question is defreezed by the Investigating Agency/State as the learned counsel for the complainant has expressed "no objection" for defreezing the account in question immediately. The particulars of the said account be furnished by counsel for the petitioner to the learned counsel for the complainant as well as to the learned State counsel.
6. Keeping in view the aforestated facts and circumstances and subject to the condition of deposit of aforesaid amount of ₹15 lakhs by the petitioner, the petition shall stand accepted and the interim directions issued by this Court vide order dated 14.10.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon

to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

7. It is, however, clarified that none of the observation made above shall be taken to be an expression on merits of the main case.

22.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No