

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40975-2021

DATE OF DECISION: OCTOBER 6, 2021

PARVEEN KUMAR @ BINU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ASHIT MALIK, ADVOCATE FOR THE PETITIONER.
KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.538 dated 14.6.2019, under Section 406, 420 IPC (Section 467, 468, 471, 120-B IPC added later on), Police Station City Thanesar, District Kurukshetra. The petitioner is in custody since his arrest on 4.12.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Kurukshetra in the order dated 2.9.2021, are as under:-

“In brief, the facts are that the present FIR has been got registered on the basis of application moved by Shri Ram Phal Singh, Manager, Allahabad Bank, Sector-13, Kurukshetra against accused persons namely Smt. Renu wife and Narender son of Hari Kishan resident of H.No.2405, Sector 3, Urban Estate, Kurukshetra and Parveen Kumar Sharma son of Shri Hari Krishan Sharma, resident of House no.701, Ward no.30, New Laxman Colony, Thanesar District Kurukshetra with the allegations that “*accused no.1 Renu and accused No.2 Narender had obtained loan of Rs.20 lakhs from the*

complainant/bank for purchase of a house on 19.10.2015 and accused No.2 Narender is himself stood surety of the said loan; that accused No.1 & 2 had applied for granting loan with Allahabad Bank, Sector-13, Kurukshetra and upon the bank officials asked both accused namely Renu and Narender had shown the documents of the concerned property; that after seeing the entire documents, a loan of Rs.20 Lakhs has been granted to them for purchase of house and accused No.1 & 2 after obtaining the loan, have got registered the sale deed No.5887 dated 20.10.2015 and accused No.1 to 3 in collusion with the employees of Tehsil Office had already obtained loan of Rs.35 lakhs on 30.06.2016 in the name of Nikhil with Oriental Bank of Commerce, Thanesar; that accused No.1 to 3 by hatching a criminal conspiracy, fraudulently and in collusion with each other had obtained load from the complainant bank for purchasing house and obtained the loan with will ill motive to commit fraud with the bank and the accused No.1 to 3 have caused economic loss to the bank; that accused No.1 and 2 are having account No.50303910276 and a sum of Rs.24,77,604/- including interest upto 28.3.2019 is still outstanding. At last, it was requested that legal action be taken against against the accused persons. On these allegations, present FIR has been registered.”

Learned counsel for the petitioner has argued that the offences are triable by Magistrate and as the investigation is complete, therefore, further custody of the petitioner may not be necessary. He further submits that the co-accused of the petitioner has already been released on regular bail vide order dated 20.1.2020 in CRM-M-1488-2020 (Annexure P-1). He

prays for bail.

On the other hand, learned counsel for the State assisted by ASI Jugal Kishor does not dispute the above fact that the co-accused of the petitioner has been released on regular bail. According to him, the charges have been framed 1.3.2021, and the complainant has also been examined.

Considering the above background, nature of offences which are triable by Magistrate and the fact that the co-accused has already been released on regular bail, this Court is of the opinion that further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 4.12.2020, as the trial of the case is likely to consume considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

October 6, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No