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

CRM-M-47050-2021

Date of decision : 29.11.2021

Zile Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.351 dated 05.10.2021 registered under Sections 420/467/468/471/506/120-B of the Indian Penal Code, 1860 at Police Station Nangal Chaudhri, District Mahendergarh, Haryana.

Learned counsel for the petitioner has submitted that in the present case, the petitioner had taken a loan from Sarav Haryana Bank Branch, Nangal Choudhary in the year 2019 for an amount of Rs.2,28,000/- and had executed a mortgage deed. It is further argued that the petitioner is regularly paying the installments of the same and the bank has not filed any complaint against the petitioner. It is further contended that Jagdish has stated himself to be the co-sharer of the land in question and has filed present complaint on the allegations that the mortgage deed which has been executed

is with respect to land measuring 24 kanals and 18 marlas whereas the ownership of the petitioner alongwith his brother is of land measuring 7 kanals and 14 marlas. It is submitted by the learned counsel for the petitioner that in fact, there are several civil disputes, which are pending between the petitioner and the said Jagdish and in one of the cases i.e. Civil Suit No.226 of 2019, vide order dated 22.04.2019, a status quo order had been passed. It is further contended that the petitioner is also ready to deposit an amount of Rs.2,28,000/- with the bank in order to show his bona fide without prejudicing his rights.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that as per the allegations, the mortgage deed which has been executed is with respect to the excess land, beyond the share of land which is owned by the petitioner and his brother.

This Court has heard the learned counsel for the parties and has perused the paper book.

Keeping in view the abovesaid facts and circumstances, moreso the fact that in the present case, civil dispute between the petitioner and the complainant-Jagdish is pending and the petitioner is stated to be depositing the installments regularly and the bank has not filed any complaint/case against the petitioner and also the fact that the petitioner is ready to deposit an amount of Rs.2,28,000/- with the bank, the present petition is allowed and in

the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so. The same, is however, subject to the petitioner depositing an amount of Rs.2,28,000/-, with the bank within a period of one week from today.

It is clarified that in case, the said amount of Rs.2,28,000/- is not deposited within the stipulated time, then the present petition would be deemed to have been dismissed.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

29.11.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**