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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.51487 of 2019 (O&M)

Decided on: 09.11.2021

Jamshed

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Arjun Atri, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.386 dated 24.07.2018, registered under Sections 420, 467, 468, 471 IPC at Police Station Dharuhera, District Rewari.

The operative part of the order dated 06.01.2020, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Learned counsel for the petitioner contends that ownership of the petitioner is found to be less as against the mortgaged land. The land, which is mortgaged with the bank, is otherwise sufficient to discharge liability of the loan amount. The officials of the bank have already been granted bail. The loan was granted only after due verification report obtained by the bank through its counsel. Petitioner had no such antecedent behaviour in terms of any such fraud...”

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of Manager, State Bank of India, the petitioner has obtained KCC loan limit of Rs.2.00 lacs on

the basis of a forged revenue record. It is further submitted that 02 of the co-accused namely Nitin Narain, Field Officer and Ram Niwas, Manager of the Bank were arrested and on their disclosure statement, further investigation was carried out and it is stated that the petitioner is beneficiary of Rs.2.00 lacs.

Counsel for the petitioner has also submitted that, in pursuance to the order dated 06.01.2020, the petitioner has appeared before the Investigating Officer and has joined the investigation as the case of the respondent/Bank is that the land which was mortgaged with the Bank was not sufficient to discharge the liability of the loan amount, however, the said land is still mortgaged with the Bank and the Bank can proceed with the same.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, considering the fact that a period of 1½ years has lapsed and when the interim protection was granted to the petitioner, there is no allegation that in the intervening period, the petitioner has misused the concession of interim bail, this petition is allowed and the interim bail granted to the petitioner vide order dated 06.01.2020 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

09.11.2021

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Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No