

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3292-2022

Date of Decision: 05.05.2022

Raghveer Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Baljeet Beniwal, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

On 27.01.2022, the following order had been passed by this
court:-

“Case heard by video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.21, dated 09.03.2021, having been registered at Police Station Moonak, District Sangrur, alleging therein the commission of offences punishable under Sections 420 and 120-B of the IPC.

It is first to be noticed that the petitioner had earlier filed CRM-M36452-2021, which was eventually dismissed on 13.10.2021 by a detailed order, the petitioner earlier having been admitted to interim bail on the assurance that he would pay the entire loan amount as was due to be paid to M/s Mahindra and Mahindra Financial Services Limited (respondent no.3).

That amount not having been paid, nor even an amount of Rs.50,000/- having been admitted to have been paid to the complainant in the FIR, i.e. respondent no.2 Harpal Singh, that petition was dismissed.

Today, learned counsel for the petitioner points to the receipt dated 12.01.2022 shown to be issued by the Legal Officer of respondent no.3 (copy Annexure P-3), by which it is stated that an amount of Rs.2,60,000/- has been received as full and final settlement of the account in respect of the loan given to respondent no.2 by the said company, with the said respondent actually having been earlier employed as a driver of the petitioner and the petitioner alleged to have taken the loan on his name for purchasing a vehicle.

Notice of motion.

Mr. M.S.Nagra, AAG Punjab, accepts notice on behalf of the respondent-State, at the asking of the court.

Let respondents no.2 and 3 be served by way of normal process for 29.03.2022.

Dasti also. (While effecting dasti service, naturally all precautionary measures as are to be taken during this pandemic, shall be taken, including wearing of masks and distancing).

In the meanwhile, in the aforesaid circumstances, the petitioner would join investigation within one week and if, upon him so joining, he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

A gazetted officer will also file an affidavit stating therein as to whether, as per the inquiry conducted, the entire amount as was payable to respondent no.3, has been paid or not.”

Thereafter, on 29.03.2022, after reproducing the earlier order, the following order was passed:-

“Pursuant thereto an affidavit dated 26.03.2022, executed by the DSP, Sub Division Moonak, has been filed, which is ordered to be taken on record.

As per the said affidavit and also as per the instructions of learned State counsel the amount that was to be paid to M/s Mahindra and Mahindra Financial Services Limited, has been so paid as per a no objection certificate also issued by the said company in the name of the complainant (on whose name the petitioner is stated to have purchased the bus for which that loan was obtained).

However, learned State counsel submits that the complainant unfortunately having died on 26.02.2022, whether or not Rs.2 lakhs as were to be paid by the petitioner to him were so paid could not be determined.

Adjourned to 05.05.2022.

The DSP, Sub Division Moonak, shall determine from the legal heirs of the deceased (Harpal Singh) as to whether the petitioner had actually paid

him Rs.2 lakhs in lieu of the amount paid by Harpal Singh, as a down payment in respect of the vehicle in question.

Interim order to continue till that date only.”

Today, an affidavit dated 02.05.2022 has been filed by learned State counsel, executed by the DSP (Sub-Division), Moonak, which is ordered to be taken on record.

In paragraph 4 of the affidavit it is stated that it has been verified from Pargat Singh who is the son of the complainant (the complainant having now passed away), that the complainant had in fact received Rs. 2,00,000/- from the petitioner and that nothing remains due towards him.

The affidavit is ordered to be taken on record.

In view of the above, the petition is allowed, with the interim order passed on 27.01.2022 made absolute, on the same terms and conditions.

May 05, 2022
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.