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

CRM-M-5893-2022

Date of decision : 11.02.2022

Lal Chand

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Manish Mehta, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

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 present petitioner was not named in the FIR and primary allegation had been levelled against Zile Singh, who was stated to have taken a loan from Sarva Haryana Gramin Bank, Nangal Chaudhary in the year 2019 for an amount of Rs.2,28,000/- and had executed a mortgage deed. It is further submitted that neither there is any allegation against the

said Zile Singh that he had not been regularly paying the installments nor the bank had filed any complaint against the said Zile Singh. It is argued that in fact, the said Zile Singh had filed a petition for grant of anticipatory bail i.e. CRM-M-47050-2021 and this Court, on 29.11.2021, had allowed the same on the conditions that an amount of Rs.2,28,000/- which was stated to have been taken as a loan by the said Zile Singh should be returned within a period of one week from the date of passing of the order dated 29.11.2021. It is argued that Lakhi Ram @ Lakhi Ram Yadav, who is Panel Advocate for Sarva Haryana Gramin Bank, has also applied for grant of anticipatory bail and was granted the same vide order dated 09.02.2022 passed in CRM-M-5369-2022. It is further argued that perusal of the order passed in the said case would show that document dated 29.11.2021 was annexed with the petition, which was the receipt issued by the Manager, Sarva Haryana Gramin Bank, to show that the entire loan has been repaid and there is no due pending against the said Zile Singh. It is submitted that Jagdish, who is the complainant in the present case, was a co-sharer in the land in question and had filed the present complaint on the allegations that the mortgage deed which had been executed was with respect to land measuring 24 kanals 18 marlas whereas, the ownership of the Zile Singh alongwith his brother is lesser than the said land.

Learned counsel for the petitioner has also argued that there were several disputes between the said Zile Singh and the complainant, which are pending and in one such case i.e. Civil Suit No.226 of 2019, status quo order was also passed. It is further contended that as far as the petitioner is concerned, he is Assistant Manager of Sarva Haryana Gramin

Bank and it is after seeing the report which was forwarded by the Panel Advocate that the petitioner had granted the loan. It is further submitted that the petitioner is not the beneficiary of the loan. It is further argued that no amount is due towards the petitioner or co-accused persons as the entire amount has been repaid and other accused in the present case i.e. Zile Singh, Chunni Lal and Rameshwar have been granted the concession of anticipatory bail by this Court and by the Additional Sessions Judge, respectively and even Kaptan Singh has also been granted the concession of bail.

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 apart from Zile Singh, it was on account of the report given by Lakhi Ram @ Lakhi Ram Yadav and the recommendation of the present petitioner, on the basis of which, the loan amounting to Rs.2,28,000/- was given to Zile Singh and Kaptan Singh. The other factual averments raised by the learned counsel for the petitioner, have not been disputed by the learned State Counsel.

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

It is not in dispute that the petitioner has not been named in the FIR. The primary allegation in the FIR has been levelled against Zile Singh, who is stated to have taken a loan of Rs.2,28,000/- from Sarva Haryana

Gramin Bank, Nangal Chaudhary. Further perusal of the order dated 09.02.2022 granting bail to Lakhi Ram @ Lakhi Ram Yadav would show that receipt dated 29.11.2021 which was signed by the Manager, Sarva Haryana Gramin Bank (so referred to in the said order) as per which, the co-accused of the petitioner has repaid the entire amount of the loan and nothing is outstanding against the co-accused and the petitioner is anyway not the beneficiary of the said loan amount. There are no allegations in the FIR to the effect that the co-accused of the petitioner had defaulted on the payment of the installments or that the Bank had ever filed a case against the co-accused persons. Zile Singh, in whose favour, the loan had been sanctioned, has been granted the concession of anticipatory bail by this Court vide order dated 29.11.2021 passed in CRM-M-47050-2021. Further, even Lakhi Ram @ Lakhi Ram Yadav, has also been granted the concession of anticipatory bail by this Court vide order dated 09.02.2022 passed in CRM-M-5369-2022. The petitioner is stated to be the Assistant Manager of Sarva Haryana Gramin Bank, Nangal Chaudhary and has stated that he had given loan on the basis of report submitted by the Panel Advocate. It is also not in dispute that the petitioner is not involved in any other case.

At any rate, the entire case is based on documentary evidence and thus, keeping in view the abovesaid facts and circumstances moreso, the fact that loan has already been repaid by the main co-accused, the present petition for anticipatory bail 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.

It is made clear, in case, the petitioner fails to join the investigation or does not cooperate with the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

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.

11.02.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No