

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(224/A)

CRM-M-10203-2022(O&M)
Date of Decision: 03.08.2022

Satish Kumar

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. C.K. Singla, Advocate for the petitioner.

Mr. Kirpal Singh, A.A.G., Haryana.

Mr. S.K. Jindal, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.177 dated 29.6.2021 under sections 323, 341, 377, 406, 420, 498-A I.P.C (sections 464, 467, 468, 471, 477-A, 120-B, 180, 509 IPC were added later on) registered at Police Station, Arya Nagar, Rohtak.

As per factual matrix, the FIR in question was lodged by the complainant, wherein it was alleged that she got married with the petitioner on 26.2.2020. Her husband was working as Assistant Manager in State Bank of India, Hisar Road Branch, Sirsa. Her parents gave sufficient dowry as per their capacity in her marriage, however, petitioner and her family members were not satisfied with same and thus they started harassing her on account of the same. She further alleged that her signatures were forged and money was transferred from her account and gold loan was also raised. On the basis of various allegations made, FIR was lodged.

The investigation commenced and petitioner was arrested on 7.1.2022. The petitioner approached learned Addl. Sessions Judge, Rohtak for grant of bail, however, after hearing the parties, the same was declined vide order dated 11.2.2022. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner vehemently contends that petitioner has been falsely implicated in the present case. He submits that basically the dispute is matrimonial in nature, however, the same has been given the colour of forgery. He submits that petitioner is working as Field Officer in State Bank of India, where main accused Pardeep Kumar was working as Assistant Manager. It is submitted that petitioner has been implicated in the present FIR on the false allegation that he had conspired with the main accused Pardeep Kumar and did not follow the due procedure of verification before sanctioning the loan amount. It is further submitted that the amount of gold loan has already been repaid and the loan account was closed after two months. Counsel submits that petitioner is working on a responsible position and he has no criminal antecedents. Even otherwise the investigation in this case stands completed and there cannot be any apprehension on the part of the petitioner for scuttling the same. Counsel submits that in the overall facts and circumstances petitioner deserves to be enlarged on bail.

Learned counsel for the complainant has however opposed the submissions made by counsel for the petitioner. He submits that petitioner in connivance with the co-accused has misused his official position and did not follow the proper procedure of verification before sanctioning the loan

amount and therefore his complicity in the offence is writ large. He further submits that gold articles are yet to be recovered.

On the other hand, learned State counsel has submitted that there are specific allegations against the petitioner. However, he submits that after completion of investigation challan has been presented. He also submits that there is nothing on record to show that petitioner has criminal antecedents.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, petitioner is behind bars since 7.1.2022. He is working as Field Officer in a bank. The main accused namely Pardeep Kumar has already been granted bail by this court vide order of even date passed in CRM-M-9812-2022. No doubt there are allegations against the petitioner that he did not follow the proper procedure of verification before sanctioning the loan amount, however, the investigation is already complete and the matter is now pending before the Trial Court. This court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion. In the overall facts and circumstances of the case this court finds that learned counsel for the petitioner has succeeded in making out a case for bail.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be

enlarged on bail on his furnishing bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

03.08.2022

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No