

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

208

CRM-M-14405-2021

Date of Decision: 09.03.2022

Sant Chaturvedi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Mahir Sood, Advocate, for the petitioner.

Mr. M.S.Dullat, Addl. AG, Punjab,
assisted by ASI Labh Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.10 dated 20.01.2020 registered under Sections 420, 406, 120B IPC at Police Station Dhakoli, District SAS Nagar.
2. The FIR in question was lodged at the instance of Sachin Sharma, Branch Manager, SBI, wherein it is broadly alleged that M/s Dollar Sales Corporation and its proprietor, namely, Sant Chaturvedi (petitioner) approached the complainant for obtaining credit facility of Rs.10 lakhs as Cash Credit Limit and Vijendra Kumar son of Mool Chand offered to execute the guarantee letter and also mortgaged his property for the credit facility advanced to the petitioner and his proprietary concern. The said request was sanctioned on 23.12.2014 and as per the promissory note dated 23.12.2014, the accused firm of the petitioner had not deposited the

entire sale proceeds of the hypothecated stock with the complainant-Bank, but the accused firm of the petitioner had misappropriated funds for its own use with a view to defraud the complainant-bank.

3. At the time of issuance of notice of motion on 31.03.2021, the following order was passed:

“This is a petition that has been filed for grant of anticipatory bail to the petitioner in FIR No.10 dated 20.01.2020 registered under Sections 420, 406, 120B IPC at Police Station Dhakoli, District SAS Nagar.

It is *inter alia* contended that the FIR has been lodged only as a means to pressurize the petitioner herein to settle the dues owed to the petitioner. In fact, the Bank has already resorted to due process by initiating proceedings under the Debt Recovery Act and an Original Application is pending before the Debt Recovery Tribunal-III at Chandigarh. It is further contended that custodial interrogation of the petitioner herein would not be required, as all evidence pertaining to the loan taken would arise out of the documents, which are already in possession of the Bank. He further relies upon the judgment rendered by the Hon’ble Supreme Court in *CBI New Delhi Vs. Duncans Agro Industries Ltd.* passed in Special Leave Petition (Crl) No.590 of 2019 decided on 09.07.1996 wherein it has been held that in case the hypothecated goods are sold as in the instant case, the question of breach of trust would not arise, as goods are still in the ownership of the petitioner herein.

Notice of motion.

Mr. Randeep Singh Khaira, AAG, Punjab, who is present through the medium of video conferencing, accepts notice for the respondent-State and would submit that in fact recovery of liquor has been effected from the house of the petitioner herein and therefore, his custodial interrogation would be required.

I have heard learned counsel for the parties and have perused the paper book.

The petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of

Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

List for further consideration on 02.09.2021.”

4. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation. It has, however, been informed that the petitioner is involved in 3 other identical cases.
5. I have considered rival submissions addressed before this Court.
6. It has been brought to the notice of this Court that in 2 other identical matters, the petitioner has already been granted anticipatory bail i.e. CRM-M-14633-2021 (order dated 07.02.2022) and CRM-M-14821-2021 (order dated 17.02.2022).
7. Bearing in mind the aforesaid position, wherein the petitioner has already joined investigation and is not required for custodial interrogation and has already been granted anticipatory bail in 2 other identical matters, the petition is accepted and the interim directions issued by this Court vide order dated 31.03.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

09.03.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**