

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17897-2019 (O&M)
Date of decision: 05.05.2022

Shashi Bhushan Garg

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. A.A. Pathak, Addl. AG, Punjab.

Mr. Arvind Rajotia, Advocate
for respondent No.2-Bank.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.30 dated 18.03.2019 under Sections 177, 193-A, 420, 465, 468, 471 IPC, registered at Police Station Kotwali, Bathinda, District Bathinda.

While staying arrest of the petitioner, following order was passed by this Court on 23.04.2019: -

“...Learned senior counsel appearing for the petitioner contends that the allegations against the petitioner in the FIR are that he is alleged to have obtained loan from the bank by pledging property

comprising Khasra No.2449/2. It is alleged that this property, which was transferred in the name of guarantor - Surjit Singh by his wife, is a public park and the property described in Khasra No.2448, on the basis of which the loan is alleged to have been sanctioned, is owned by one Gurcharan Singh. He further contends that the demarcation of both the properties has not been carried out and co-accused, namely, Rajan Singla, who is an advocate and had sent his report after due diligence, has already been granted the concession of anticipatory bail by the trial Court..”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation. It is further submitted that a period of more than 03 years has lapsed and the petitioner is facing the trial and there is no allegation that at any point of time, either he misused the concession; extended any threat to the witnesses or tried to influence the prosecution evidence.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

Learned counsel for respondent No.2-Bank has, however, submitted that on the basis of fake verification report submitted by co-accused Rajan Singla, who is an Advocate, the property, which was kept with the Bank as collateral security, was, in fact, found to be a public park.

Be whatsoever, considering the aforesaid facts and circumstances of the case, this petition is allowed and the order dated 23.04.2019 passed by this Court, staying arrest of the petitioner, is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

05.05.2022
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No