

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

**CRM-M-21567-2022 (O&M)
Date of decision: 19.05.2022**

Malti Sharma actual name Shalini Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rakesh Dhiman, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 37 dated 14.02.2021 registered under Sections 419, 420, 467, 468, 471, 120-B IPC, at Police Station Sector-17, Faridabad, District Faridabad.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case, registered on the complaint of Zonal Manager, Punjab and Sind Bank, Gurugram; that it was Shriya Sharma and her husband Mahender Sharma, who had approached the bank for availing home loan of Rs. 60 lakh, to purchase a house owned by petitioner-Malti Sharma; that after competition of necessary formalities, the loan of Rs. 60 lakh was sanctioned by the Bank on 22.03.2017 and the amount was credited in the account of Malti Sharma, being owner and that Shriya Sharma had created an equitable mortgage in favour of the bank and deposited the title deed dated 24.03.2017.

He further submits that the loan was not repaid by Shriya Sharma

and her husband and the loan account became NPA (Non Performing Asset); that when the Bank officials went to take the possession of the mortgaged property under SARFAESI Act, it came to know that fraud had been committed not only with the Bank but with other banks also by mortgaging the above said property and the FIR was lodged and that after registration of the FIR, the police party raided the premises of the petitioner, who has no concern with the alleged offence.

I have heard the learned counsel for the petitioner and have through the paper-book.

During investigation, it was found that initially, the house in question was allotted to Malti Sharma wife of M.L. Sharma, who sold it to Sughan Devi wife of Satyavir Singh, who further sold the same to Indresh wife of Rajvir Singh in the year 2010 and that during inquiry, it was also found that the actual name of Malti Sharma is Shalini Sharma wife of Rajesh Sharma, not M.L. Sharma. The petitioner in connivance with other co-accused has cheated the complainant-Bank and four other banks also by taking similar amount of loan.

Considering the very nature of the allegations contained in the FIR, the custodial interrogation of the petitioner is must. Hence, the petitioner does not deserve the concession of anticipatory bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

19.05.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No