

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-22020-2022 (O&M)
Date of Decision:- 21.12.2022

Ranbir Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Isha Goyal, Advocate, for the petitioner.

Mr. Siddharth Atttri, AAG, 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.0140 dated 19.12.2019, Police Station Dhakoli, District SAS Nagar, under Sections 406, 420 and 120-B of Indian Penal Code.
2. At the time of issuance of interim bail the following order was passed on 20.5.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0140 dated 19.12.2019, Police Station Dhakoli, District

SAS Nagar, under Sections 406, 420 and 120-B of Indian Penal Code.

The FIR in question was lodged at the instance of State Bank of India pursuant to a direction having been issued by the Illaqa Magistrate on an application filed by the complainant (bank) under provisions of Section 156(3) Cr.P.C. It is alleged that the complainant-bank had advanced a cash credit limit of Rs.15 lakhs on 16.8.2016 in favour of 'M/s Jai Durga Construction' of which the petitioner is Proprietor and that Vishal Kumar had stood as guarantor. It is alleged that later upon physical inspection of the premises of accused, it was found that the accused had closed the unit and had disposed of the entire stock of trading and had misappropriated the funds, whereas the accused was supposed to deposit the sale proceeds of hypothecated stock equipment.

Learned counsel for the petitioner submitted that even if all the allegations as levelled in the FIR are taken to be correct, the same at best would constitute a civil liability and infact the complainant had already filed a requisite petition before Debts Recovery Tribunal (DRT). It has further been submitted that, in any case, mortgaged property of the guarantor is already in possession of the bank and that, in these circumstances, the present FIR, which has been lodged subsequent to approaching the DRT, is an abuse of process of law and is nothing but an attempt to pressurize the petitioner. It has further been submitted that, in any case, the petitioner has been willing to enter into some One Time Settlement (OTS) and the said proceedings are already pending before the bank, wherein no final decision has been taken.

Notice of motion for 13.10.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal

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

3. Learned State counsel, upon instructions from ASI Labh Singh, has submitted that the petitioner has joined investigation and is not required for any custodial interrogation. It has also been informed that the petitioner is not wanted in any other case.
4. In view of the aforestated position wherein the petitioner has joined investigation and he is not stated to be required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 20.5.2022 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.

21.12.2022
Mohan

(GURVINDER SINGH GILL)
JUDGE

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