

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

102

CRM-M-25693-2022

Date of Decision : **July 18, 2022**

JOGINDER SINGH @ JOGINDER BHOAT

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Davinder Kumar, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.243 dated 24.8.2019 under Sections 420, 406, 467, 468, 471, 506, 34 of IPC (offence under Section 120-B IPC added lateron), registered at Police Station Farakpur, District Yamunanagar.

It has been submitted by the learned counsel for the petitioner that in the present case the dispute was with regard to civil dispute only and, therefore, the FIR lodged against the petitioner was not sustainable. He submitted that the petitioner is ready and willing to join the investigation as and when called by the IO and, therefore, may be considered for the grant of anticipatory bail.

On the other hand, Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana has submitted that he has received an advance copy of the present petition and has also received instructions from SI Gurmej Singh. He submitted that it is a case where the petitioner had obtained

loan from the bank for an amount of Rs.9,50,000/- and thereafter he transferred the property in the name of his wife and thereafter further it was transferred in the name of his son and his son also transferred the property to one Seema Rani and Seema Rani thereafter sold the property to the complainant and thereafter when the complainant was constructing the house the bank officials had come and told him that the property has already been mortgaged with the bank. He further submitted that it was a case of cheating with dishonest intention at the time of inception and the property was transferred mutually within the family members to avoid the loan and thereafter it was transferred to 3rd party and has submitted that the ingredients of Section 420 IPC were fulfilled in the present case. He submitted that it was found during the investigation that some documents including PAN card were also fabricated by the petitioner. He further submitted that even otherwise also the petitioner is a habitual offender and he is involved in three more FIRs under Section 379 IPC and the petitioner is also declared as a proclaimed offender and as of date also he is a PO. He submitted that the petitioner vide Annexure P-2 has annexed No Dues Certificate from the bank but it does not pertain to the present loan amount which is the subject matter of the dispute in the present FIR as per the instructions received from the concerned police official. He further submitted that since the petitioner is a PO as of today, therefore, he does not deserve the concession of anticipatory bail and the present prayer for anticipatory bail is not maintainable in view of the judgment of the Hon'ble Supreme Court in State of **Madhya Pradesh Vs. Pradeep Sharma, 2014(2) SCC 171.**

I have heard the learned counsels for the parties.

As per the allegations, the petitioner had taken a loan from the bank and thereafter he transferred the property within his family members and thereafter it was sold to the complainant. There are also allegations with regard to fabrication of some documents. As per the learned State counsel, the petitioner is already a PO and, therefore, this Court is of the view that considering the seriousness of the allegations in the present case and the fact that the petitioner is a PO and is involved in 3 more cases, this Court does not deem it fit and proper to grant anticipatory bail to the petitioner.

Consequently, finding no merit in the present, the same is, hereby, dismissed.

July 18, 2022

ajay-1

(JASGURPREET SINGH PURI)
JUDGE

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