

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

CRM-M-31255-2022 (O&M)

Date of decision: 25.07.2022

Raman Josan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Karan Nehra, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

Mr. K.S. Brar, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 119 dated 30.09.2018, registered under Sections 420, 465, 467, 468, 471, 120-B IPC, at Police Station City Jalalabad, District Fazilka.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He very fairly admits that the petitioner is involved in 20 other cases, out of which he stands acquitted in 17 cases, in 01 case is on bail and in the case where he has been declared a proclaimed offender, the matter has been compromised. The mortgaged land is intact and stands in favour of the Bank and this fact is admitted.

He further submits that there is no bar to grant anticipatory bail to the accused, even if, other FIRs or proclamation proceedings are pending against him. In support of his case, he relies upon judgment rendered by Hon'ble Supreme Court in Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012(1) RCR (Criminal) 586, and orders of Coordinate Benches of this Court in CRM-M-485-2022 titled as Subhash Vs. State of Haryana, passed on 08.02.2022, Rakesh Vs. State of Haryana, 2010(3) RCR (Criminal) 194, and Prabhakar Tewari Vs. State of U.P. and Anr., 2020(1) RCR (Criminal) 831.

Notice of motion.

On the asking of this Court, learned State counsel, accepts notice on behalf of the respondent-State and submits that the petitioner is a commission agent and habitual offender.

Learned counsel for the complainant submits that the petitioner has been declared a proclaimed offender in three other cases i.e. FIR No. 223 of 2017; FIR No. 158 of 2017 and FIR No. 154 of 2017 registered under Section 138 of the Negotiable Instruments Act, 1881, at Police Station Patti/City Patti.

I have heard the learned counsel for the parties and have also gone through the paper-book.

As per the case of the prosecution, the above-noted FIR was got registered by the Chief Manager, SBI; that M/s Rishab Rice Mills had availed a CC Limit of Rs.6 crore and Term Loan of Rs.2.70 crore, from the bank on 11.12.2010 and entry in this regard had also been made in the revenue records. However, the accused in connivance with each other had managed to

redeem the land from the revenue authorities and further sold the same.

The petitioner and his brother became the partners in the firm on 11.08.2014. The CC Limit of the firm was renewed on 28.03.2015 and the account of the firm turned NPA on 28.06.2016 and the mortgagor had fraudulently vacated the bank charge from the revenue records by submitting forged bank letter. Thus, the contention of learned counsel for the petitioner that the petitioner had joined the firm after the loan was availed, is of no help to him.

Keeping in view the nature and gravity of the offence, but without going into the merits of the case, this Court finds that the petitioner does not deserve the concession of anticipatory bail.

Therefore, finding no merit in the present petition, the same is dismissed.

(HARNARESH SINGH GILL)
JUDGE

25.07.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No