

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

(I)

CRM-M-38264-2021 (O&M)

Date of Decision:- 13.5.2022

Ramesh Mathur

... Petitioner

Versus

State of Punjab

... Respondent

(II)

CRM-M-2361-2021 (O&M)

Mohammad Irfan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mahir Sood, Advocate, for the petitioner in
CRM-M-38264-2021.

Mr. Ravinder Malik, Advocate, for the petitioner in
CRM-M-2361-2021.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Jasbir Singh.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions
wherein petitioners Ramesh Mathur and Mohammad Irfan, seek grant

of anticipatory bail in a case registered vide FIR No. 125, dated 11.12.2019, Police Station Dhakoli, District SAS Nagar, under Sections 420, 406, 120-B IPC.

2. At the time of issuance of notice of motion in CRM-M-38264-2021 the following order was passed on 15.9.2021:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 125, dated 11.12.2019, Police Station Dhakoli, District SAS Nagar, under Sections 420, 406, 120-B IPC.

The FIR in question was lodged at the instance of Manager, SBI, Zirakpur, wherein it is alleged that M/s Shivalik Plastic Ltd., of which the petitioner is a Director had availed cash credit limit of Rs.9 lakhs for running his business but had subsequently disposed of the hypotheticated goods.

Learned counsel for the petitioner submits that the FIR in question is a misuse of process of law as in fact recovery proceedings have already been initiated by the bank before DRT.

It has further been submitted that an identically situated co-accused Mohd. Irfan had already been granted interim relief.

Notice of motion for 28.10.2021.

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 the 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. Even in the other case i.e. CRM-M-2361-2021, this Court while issuing notice of motion ordered for grant of interim bail to the petitioners while directing them to join investigation vide order dated 18.1.2021.
4. Learned State counsel, upon instructions from ASI Jasbir Singh, has informed that pursuant to interim directions, the petitioners have joined investigation and are not required for any custodial interrogation.
5. Having regard to the aforestated position wherein the petitioners have joined investigation and are not required for any custodial interrogation, the petitions are accepted and the interim directions issued by this Court vide order dated 15.9.2021 and 18.1.2021 are hereby made absolute subject to the condition that the petitioners 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.
6. A photocopy of this order be placed on the file of each connected case.

13.5.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No