

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(204)

CRM-M-42756-2020

Date of decision: - 29.11.2022

Baldev Singh

....Petitioner

Versus

State of Haryana & Anr.

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Mukesh K. Sharma, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Gaurav Goel, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.364 dated 30.12.2018, under Sections 420, 467, 468, 469, 470, 471 and 120-B IPC, at Police Station Sadar, Hansi.

On 18.12.2020, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contends that there was

an equitable mortgage executed in favour of the Bank. Initially, enquiry was conducted by the Economic Offence Wing in District Hisar and the petitioner was joined in the investigation. Petitioner fully cooperated with the Investigating Officer and the petitioner was not found at guilt. Thereafter, due to situation arising out of pandemic COVID-19, petitioner was held up at Noida and the Investigating Officer inappropriately came to the conclusion that the petitioner was avoiding to join the investigation.

Notice of motion for 09.02.2021.

Till the next date of hearing, arrest of the petitioner shall remain stayed.

(RAJ MOHAN SINGH)
JUDGE

December 18, 2020"

Thereafter, on 31.08.2021, a Co-ordinate Bench of this Court was pleased to pass the following order: -

"The case has been taken up for hearing through video conferencing.

Notice of motion was issued on 18.12.2020 and arrest of the petitioner was also stayed, till the next date of hearing.

It appears that the petitioner had availed loan of Rs.12 lacs from the Bank by way of equitable mortgage executed in favour of the Bank.

According to the petitioner, he had already repaid some amount. According to him, an amount of Rs.1,75,000/- was paid in the month of January and February, 2020. Some amount was also paid earlier to that.

Learned State counsel submits that as of now, an amount of Rs.6,62,359/- is to be recovered from the petitioner.

Learned counsel for the petitioner submits that the petitioner would deposit an amount of Rs.2 lacs at the first instance with the complainant- Bank within two weeks and some equitable installments be fixed for the remaining amount.

In order to appreciate bonafide of the petitioner, the case is

adjourned to 20.09.2021.

Petitioner would be at liberty to deposit an amount of Rs.2 lacs within two weeks and thereafter, both the parties would come to table to strike schedule of equitable installments to be paid to the complainant- Bank.

Till the next date of hearing, as one time arrangement, petitioner is directed to join the investigation on 03.09.2021 at 11.00 A.M. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.

(RAJ MOHAN SINGH)
JUDGE

31.08.2021"

Learned counsel for the petitioner has submitted that the petitioner has already deposited a substantial amount of loan and only an amount Rs.1,12,755/- remains to be paid and he would make every effort to pay the same as expeditiously as possible.

Learned State counsel, on instructions from the investigating officer, has submitted that the petitioner has joined the investigation and reiterated the fact that the above-said amount is outstanding and has also stated that the petitioner has repaid substantial amount of the loan.

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid orders dated 18.12.2020 and 31.08.2021 and also the fact that the petitioner has joined the investigation and has repaid the substantial amount of loan, the present petition is allowed and the interim order dated 31.08.2021 is

ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

November 29, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No