

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48384-2021

Date of Decision: 13.01.2022

Kamaljit Singh @ Kanwaljit Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Tarun Deep Kumar, Advocate, for
Mr. D.S. Pheruman, Advocate,
for the petitioner.

Mr. M.S. Nagra, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 26.11.2021, the following order had been passed by this
court:-

“By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.218, dated 23.8.2021, having been registered at Police Station Beas, District Amritsar Rural, alleging therein the commission of an offence punishable under Section 420 of the IPC.

Learned counsel for the petitioner submits that the petitioner will pay a sum of Rs.2,00,000/- immediately in respect of a loan taken by him from the bank (out of a sum of Rs.6,40,000/-) and would pay the remaining amount within a reasonable time.

The complainant in the FIR, i.e. the Regional Manager, Gramin Bank, Branch Beas, District Amritsar, is ordered to be impleaded as

respondent no.2 in the petition, with the Registry directed to carry out the necessary correction in the memo of parties after taking his particulars from the copy of the FIR (Annexure P-1).

Notice of motion.

Mr.Rana Harjasdeep Singh, learned DAG, Punjab, accepts notice at the asking of the court on behalf of respondent no.1, with respondent no.2 to be served by normal process, dasti also, returnable on 11.1.2022 .

[While effecting dasti service, naturally all measures as are to be taken during this pandemic including wearing of masks and distancing shall be maintained.]

In the meanwhile, the petitioner would appear before the learned Area Magistrate concerned within one week and deposit a demand draft for an amount of Rs.2,00,000/- in the name of the aforesaid bank, upon which the learned Area Magistrate would summon the investigating officer to ensure that the petitioner is joined in investigation and if he is sought to be arrested, he shall be admitted to interim bail to the satisfaction of the arresting officer/Area Magistrate, till the next date of hearing before this court.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.”

Thereafter, on 11.01.2022 counsel for the petitioner sought an adjournment through the coordinator of the video conference, with learned State counsel having submitted that in fact the petitioner had not deposited the amount of Rs. 2,00,000/- as was to be deposited by him.

It is confirmed today by learned counsel appearing for the petitioner that due to that, the petitioner also did not appear before the Area Magistrate.

That being so, looking at the fact that the the petitioner is alleged to have duped the '*Gramin*' Bank of the amount of money that he owed it on account of a loan taken from that bank, though otherwise that may be a wholly civil dispute, yet, he also allegedly having sold the land/house as had been mortgaged with the bank, in a fraudulent manner (as alleged), I would see no reason at all to continue with this petition which is consequently dismissed.

Obviously, with the petitioner not even having complied with the basic conditions imposed vide the order dated 26.11.2021, that order stands vacated.

However, no observation made by this court either in this order or any previous order, would be taken into consideration to determine the actual guilt or innocence of the petitioner, all such observations having been made only in the context of a petition filed under the provisions of Section 438 of the Cr.P.C. and naturally, his guilt/innocence would be determined on the basis of evidence gathered/led.

January 13, 2022
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.