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

CRM-M-50198-2022

Date of decision : 15.11.2022

Amolak Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rupender Singh Rana, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.97 dated 10.05.2021 registered under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 at Police Station Dirba, District Sangrur, Punjab.

On 31.10.2022, this Court had passed the following order:-

“Inter alia, contends that the petitioner is not named in the FIR and is not even the beneficiary of the loan which had been taken, wherein, the complainant is stated to be a guarantor and his signatures are stated to be allegedly forged. It is further argued that there are as many as five beneficiaries of the loan and four out of the said five beneficiaries, have been granted the concession of anticipatory bail by the Coordinate Bench of this Court and

the main accused i.e., Mithu Ram has been granted the concession of regular bail. While granting anticipatory bail/regular bail to the said beneficiaries, it had been observed that the loan had been taken by the said persons in their own names by mortgaging their own properties and the complainant, who was stated to be a guarantor for the loan, at the first instance, had thereafter withdrawn his guarantee in the year 2018 and thus, the loan amount was the sole liability of the beneficiaries herein and that the complainant, after the year 2018, had no concern with the said loan. It was also noticed that after the year 2018, fresh guarantee was given by one Harneet Singh. It is further submitted that even the other persons, namely, Biru Mal and Jatin have already granted the concession of anticipatory bail, vide order dated 21.01.2022 passed in CRM-M-2632-2022. It is stated that the petitioner is not involved in any other case.

Notice of motion for 15.11.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 31.10.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Bikkar Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 31.10.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 31.10.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an 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.

15.11.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No