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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16811-2023

Date of decision: 06.09.2023

Manoj and another

...Petitioners

Versus

State of Haryana

...Respondents

CORAM:

HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:

Mr. K.P.S. Virk, Advocate
for the petitioners.

Mr. Gurmeet Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
39	26.01.2016	Jind City, District Jind	120B, 406, 420, 467, 468, 471 IPC (Sections 7 & 13 of Prevention of Corruption Act added subsequently) (Charges framed u/s 7& 13(1)(d) read with 13(2) & 12 of Prevention of Corruption Act and Sections 420, 120-B, 467, 468, 471 IPC

1. Aggrieved by the registration of FIR captioned above, the accused have come up before this court under section 482 CrPC for its quashing, submitting that it is a misuse of State criminal machinery for the oblique motive of political gain, and even if all the allegations leveled in the FIR are accepted in the entirety, still they do not *prima facie* constitute any offence.
2. Although notice has not been issued to the State but the counsel who is representing the State, submits that he has instructions to apprise this Court that after framing of charges even the trial has started and out of 73 witnesses, 29 have already been examined.
3. Allegations against the petitioners are that they had obtained CC limit and the loan and when the bank proceeded further then securities to obtain CC limit were not identifiable.

4. Perusal of the file shows that charges were framed way back on 27.02.2020 and the petitioners did not challenge the same and came before this Court after so much of time.

5. On inquiry from the petitioners' counsel that whether the loans have been cleared or there is any outstanding amount, he on instructions submits that loans could not be cleared. The investigator prima facie was unable to find co-lateral which was given as a security for cash credit limit.

6. Since the petitioners had allegedly obtained the money from the bank by assuring and handing over a co-lateral security, as such, it shall not be appropriate to comment at this stage that no case under Sections 420, 467, 468, 471 IPC is made out. Regarding further provisions which have been arraigned against the petitioners, because for the reason that before loan had to be released to the petitioners and some kind of checking was required to clarify the existence of co-laterals, which lead to registration of case under Prevention of Corruption Act. Since the main accused who are facing allegations under PC Act, are not before this Court, as such, further comments in this regard are likely to prejudice them and this Court refrains from interference on the order of framing of charges and even otherwise on merits either to quash the FIR or charges. Thus, this Court is not even issuing notice to the respondent.

7. In the above said observations, petition is dismissed. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

06.09.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.