

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24606 of 2022
Date of decision: 28th November, 2023

Arun Kumar & another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arjunveer Sharma, Advocate for the petitioners.

Ms. Kanica Sachdeva, Asst. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.287 dated 19.11.2021 under Sections 420, 467, 468, 471, 120-B of the IPC registered at Police Station Moti Nagar, District Ludhiana.

2. On 06.07.2022, while noticing the following submissions made by learned counsel for the petitioners, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioners and asked them to join investigation.

“Learned counsel for the petitioners has prayed for interim stay and has inter alia argued that in the present case, this Court had dismissed the anticipatory bail application of Rajesh Kumar (Ex-Branch Manager) vide order dated 02.02.2022 and the said Rajesh Kumar had filed Special Leave to Appeal (Criminal) No.2016 of 2022,

in which, notice of motion has been issued and in the meantime, it has been ordered that there shall be stay of arrest of the petitioner therein i.e. Rajesh Kumar. It is further submitted that the said matter is now shown to be listed for 26.07.2022 and as per his instructions, the interim order is still continuing. It is contended that the petitioners have no link or concern with the loan amount disbursed to the borrowers and the petitioners have neither visited the bank premises, nor have ever met Rajesh Kumar Sharma and had taken an amount of loan on interest from the borrowers of the bank with the understanding to repay the respective part of the loan amount with the bank straightaway and the execution of the affidavits by the petitioners is with respect to repayment of the said loan amount. It is further contended that no amount has been directly paid by the bank to the petitioners in their account and that entire matter is based on documents and the petitioners are ready to fully cooperate with the investigation.”

3. Learned counsel for the petitioners submits that in compliance of the order dated 06.07.2022, the petitioners have joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioners having joined investigation and cooperated with the investigating agency. She, on further instructions submits that the petitioners are not required for further investigation much less for their custodial interrogation.

5. On a pointed query put to the learned State counsel, she on instructions, has not disputed the role attributed to the petitioners that they had not obtained any loan directly from the Bank, but had obtained loan from the other persons, who had obtained it from the Bank. She has further submitted that the petitioners are not involved in any other criminal case.

6. In the circumstances, the petition is allowed and the interim order dated 06.07.2022 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioners misuses the concession of bail granted to them, the State would be at liberty to seek cancellation of the bail granted to them.

(MANJARI NEHRU KAUL)
JUDGE

November 28, 2023
rps

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