

220 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

1. CRM-M-23619-2023

Subhash Chandra Gautam .....Petitioner

versus

State of Haryana ..... Respondent

2. CRM-M-23846-2023

Karnesh Kumar @ Karnesh Kumar Rajpoot ....Petitioner

versus

State of Haryana ....Respondent

Date of decision : 31.05.2023

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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Present :- Mr. Aditya Jain, Advocate and  
Mr. Rahul Vohra, Advocate (in CRM-M-23619-2023)  
Mr. Kanwar Abhay Singh, Advocate for  
Mr. Govind Rana, Advocate (in CRM-M-23846-2023)  
for the petitioner(s).

Mr. Kirpal Singh Thakur, AAG, Haryana.

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**RAJESH BHARDWAJ, J. (Oral)**

This order will dispose of two petitions as they have arisen out of the same FIR.

Petitioners have approached this Court by way of present petition praying for grant of regular bail in case FIR No.33 dated 04.02.2023, under Sections 120-B, 419, 420, 467, 468, 471 of IPC, registered at Police Station Civil Lines, Gurgaon, District Gurugram.

As per the facts of the case, present FIR was lodged by Saras Kumar Manager SBL. It was alleged that the accused namely, Pankaj Sharma, Sukhwati Devi, Kiran and Hemant Kaushik approached the bank for the grant of loan of Rs.58,00,000/-. They have submitted the documents required for the sanction of the loan besides this, the property was also

mortgaged as a security with the bank. After having been completing all the requisite formalities, loan of Rs.58,00,000/- was advanced in the name of above-mentioned four accused. However, subsequently, it was found that the documents on the basis of which the loan was obtained were forged. It was found that Rohtash son of Chhaju who was shown to be alive had already died and this fact was also not disclosed. On the basis of the same, the FIR was lodged with the prayer to investigate the case and take the legal action against the accused. FIR was lodged and investigation commenced. During the investigation besides the above accused, complicity of both the petitioners also surfaced and they were also arrayed as accused. Petitioner namely, Subhash Chandra Gautam was working with the another bank namely, M/s Fusion Finance Limited. So far, petitioner namely, Karnesh Kumar @ Karnesh Kumar Rajpoot is concerned, he was employed as a Business Manager. Petitioner-Subhash Chandra was arrested on 19.02.2023 and petitioner-Karnesh Kumar @ Karnesh Kumar Rajpoot was arrested on 01.03.2023. Both the petitioners approached the Court of learned Additional Sessions Judge, Gurugram praying for grant of regular bail. However, after hearing counsel for the sides, learned Additional Sessions Judge, declined the same vide his order dated 02.05.2023 and 29.04.2023 respectively. Aggrieved by the same, petitioners are before this Court praying for grant of regular bail.

It has been vehemently contended by counsel for the petitioners that the petitioners have been falsely implicated in this case. Mr. Aditya Jain, Advocate for the petitioner-Subhash Chandra Gautam has submitted that petitioner is not even the employee of the complainant-bank. He submits that petitioner is employee of different bank i.e. M/s Fusion Finance Limited and has no role to play in the sanction of the loan for the co-accused. He submits

that the accused to whom the loan had been granted had earlier come to the bank of the petitioner but their request was rejected on account of the non-completion of the documents. He submits that thereafter, the documents which were prepared by the petitioners were taken by the co-accused and by producing the same, they obtained loan which was granted by the complainant-bank. He submits that that during the investigation, co-accused have already entered into compromise with the complainant-bank and the loan advanced has already been repaid to the bank. He has submitted that the co-accused have also filed the petition for quashing of this FIR on the basis of compromise arrived at and bank has also agreed to the same as the loan amount has been repaid by the co-accused. He has submitted that even otherwise, the investigation in this case is already complete.

Learned counsel for the petitioner-Karnesh Kumar @ Karnesh Kumar Rajpoot has submitted that though the petitioner is employed as a Business Manager with the complainant-bank however, the allegations made against him regarding taking the bribe in sanctioning the loan is totally without any basis. He has submitted that the loan sanctioned by petitioner has already been repaid to the bank and there is a compromise with the bank by the co-accused on the basis of same and the petition for quashing of the FIR is also pending adjudication before this Court. He submits that petitioners are not involved in any other case and the co-accused have already been granted anticipatory bail.

Learned State counsel, on instructions, has submitted that the case is under investigation. However, he fairly submits that the matter has been compromised with the co-accused and the loan has been satisfied and on account of the same, the petition for quashing of the FIR is also pending.

He submits that as per the instructions, petitioners have no criminal

antecedents.

Heard. Admittedly, the petitioners are behind bars since 19.02.2023 and 01.03.2023. The precise case of the complainant-bank was that the loan of Rs.58,00,000/- had been sanctioned to the co-accused on the basis of documents. However, admittedly, the loan has already been satisfied and the co-accused have already been entered into compromise. The accused in whose favour the loan was granted have already been granted anticipatory bail by this Court and the petition for quashing of the FIR is also pending adjudication. There is nothing on record to show that the petitioners have any criminal antecedents.

The trial of the case will take sufficiently long time. This Court would refrain itself from commenting anything on the merits of the case. However, keeping in view the custody as well as the attending facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

Photocopy of this order be placed on the file of connected case.

31.05.2023  
*m. sharma*

( RAJESH BHARDWAJ )  
JUDGE

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |