

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

CRM-M-24177-2023 (O&M)
Date of decision : 25.07.2023

Narender Kumar Sharma

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Himanshu Sharma, Advocate for the petitioner.

Mr. Kiran Pal Singh, DAG, Haryana for respondent No.1.

Mr. Bhushan Bhatia, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.105 dated 18.04.2023, under Sections 120-B, 420, 467, 468 & 471 of the Indian Penal Code, 1860 (*for short 'the IPC'*), registered at Police Station Ateli, District Mahendergarh.

(2) It transpires that above FIR was registered on the basis of statement made by complainant-Bajrang Lal Yadav, Senior Manager, Sarv

Haryana Gramin Bank, Branch Kanti to the effect that on 08.11.2007, one Chhaju Ram had taken a loan of Rs.5 Lakh from the Gurgaon Gramin Bank, Kanti (now Sarv Haryana Gramin Bank). On 31.08.2013, Chhaju Ram became defaulter and later on, died on 10.08.2019. Petitioner in connivance with his co-accused, namely, Khushi Ram, the then Assistant Manager prepared forged Balance Confirmation Letter on 01.10.2019 and attached the same with the loan account of said Chhaju Ram, who had already died; thereby caused loss to the lender bank to the tune of Rs.40 Lakh.

(3) This Court, vide order dated 04.07.2023, granted interim bail to petitioner and the same reads as under:-

“Contends, inter-alia, that petitioner has already retired from the the post of Assistant Manager on 31.03.2022 and moreover, the entire record is available with the Bank-respondent No.2; thus, his custodial interrogation would not be required.

Learned State counsel seeks time to verify the above factual position.

Posted on 25.07.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

(4) Learned counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

- (5) The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned and further stated that custodial interrogation of the petitioner is not required at this stage.
- (6) Learned Counsel for respondent No.2/complainant also, upon instructions, did not raise any objection in case the interim order is made absolute.
- (7) In view of above, interim order dated 04.07.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (8) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (9) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (10) Disposed off accordingly.

July 25th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>