

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

CRM-M-50754-2018
Date of decision:-03.03.2023

Nitin Bansal ...Petitioner

Versus

State of Punjab and another ...Respondents

CRM-M-50743-2018

Nitin Bansal ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vikram Chaudhri, Sr. Advocate with
Ms. Hargun Sandhu, Advocate and
Mr. Parvez Chaudhary, Advocate
for the petitioner.

Mr. Virat Rana, AAG, Punjab

Mr. H.S. Bhatia, Advocate
For respondent No.2 in CRM-M-50754-2018

Mr. J.S. Toor, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
18	13.01.2018	Zirakpur, District Mohali	406, 420, 120-B IPC

The order shall dispose of the above said two petitions as the matter therein involved is identical. For brevity, facts have been taken from CRM-M-50754-2018

1. The petitioner incarcerated in the FIR captioned above, on the allegations of cheating had come up before this Court under Section 439 CrPC seeking bail.
2. When this matter was taken up for hearing first time in this Court on 26.11.2018, Co-ordinate Bench of this Court has passed the following order:-

“ Heard.
Custody certified filed today in Court is taken on record.

It is stated that the land was mortgaged with the Punjab National Bank, Sector 17-B, Chandigarh and two loans were obtained from the said bank. Flats were built up and allotted to 288 persons. The land beneath the said flats was mortgaged.

Learned counsel for the petitioner states that the petitioner is trying to enter into understanding with the bank that a sum of Rs.24.3 crores, which is outstanding to the bank will be paid to the bank by sale of unsold flats and realisation of the pending dues directly to the bank.

In the circumstances, since the bank will also be aggrieved party, let Punjab National Bank, Sector 17-B, Chandigarh through its Assistant General Manager be also arrayed as respondent no.2.

Registry to do the needful and issue notice to respondent no.2 accordingly for 7.12.2018.

Let summons be given dasti to the petitioner for service of respondent no.2. ”

3. After that on 07.12.2018, a Co-ordinate Bench of this Court had interim bail to the petitioner on the following conditions:-

- i) Petitioner will approach the Punjab National Bank to negotiate with them regarding the One Time Settlement/repayment of the loan and schedule thereof within one week. Thereafter, the Bank will consider the proposal and take decision accordingly.
- (ii) Petitioner will surrender his passport before the Investigating Officer, if not surrendered earlier with the undertaking that he will not leave the country without prior permission of this Court and
- (iii) Petitioner shall not directly or indirectly give any inducement or threat or promise to any witness.

4. A perusal of the order sheets reveals that after 20.12.2018, the petitioner was directed to supply necessary information/documents required by the bank so that bank can consider the one time settlement moved by the petitioner.

5. On 21.01.2019, counsel for the Bank informed that offer of Rs.16.00 crore was not acceptable to the bank.

6. Subsequently, the matter was adjourned on various dates and interim order is continuing till date and also inspite of the fact that the offer was not acceptable to the bank had granted interim bail to the petitioner. Mr. Vikram Chaudhri on instructions submits that the petitioner has already undergone 04 months custody.

7. At this stage, counsel for the respondent No.2 submits that interim order should be recalled due to non-compliance of the order passed by this Court.

8. Counsel for the complainant also opposes the bail to the petitioner on the ground of being cheated.

9. At this stage, Sr. Counsel for the petitioner submits that interim order may not be recalled however, this Court may impose stringent conditions upon the petitioner and he voluntarily shall comply the same. He also submits that the petitioner has paid the all the money.

10. In the entirety of facts and circumstances of this case coupled with the fact that the petition pertains to 2018, interim order is made absolute subject to the furnishing of the following details in the notarised affidavit till 31.03.2023:-

- (a). The complete details of bank account numbers, addresses, and bank statements w.e.f. 1st April 2020 till the date of this order in India as well as in abroad;
- (b). The complete details of all fixed deposits, bonds, debentures, w.e.f. 1st April 2020 up to at least till the date of this order ;
- (c). The complete details and balances in all DEMAT accounts w.e.f. 1st April 2020 up to at least till the date of this order;
- (d). The current market value of jewellery, sovereign metals, and all precious articles, held either individually or jointly, up to the date of filing of the extension application;
- (e). Cash-in-hand up to the date of filing of the extension application;
- (f). Details of all immovable properties up to the date of filing of the extension application;
- (g). Annual income from all sources;
- (h). Details of all liabilities;
- (i). Details of all dependent family members, with approximate expenses on medical and education, rent, utilities, and other household necessities of the family.

11. It is clarified that three original affidavits be made and handover one to State, one to complainant and one to bank. In case, the petitioner makes a wrong disclosure, it shall be open for the bank, State as well as to the complainant, that they shall file application for cancellation of bail.

12. Counsel for the petitioner on instructions, voluntary agreed for waive of limitation, if any of the aggrieved person(s) file recovery suit. It is further clarified that in case any of the aggrieved person(s) files a suit for recovery, petitioner shall not take the plea of limitation because counsel for the petitioner consented for that purpose.

13. Petitions stand allowed subject to compliance of the conditions.

(ANOOP CHITKARA)
JUDGE

03.03.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.