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

**CRM-M-31501-2022
Date of Decision: 17.05.2023**

Ram Mehar

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana
for respondent No.1/State.

Mr. Munish Mittal, Advocate
for respondent No.2.

HARSH BUNGER J. (ORAL)

1. Petitioner (Ram Mehar) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.38 dated 11.02.2022 (Annexure P-2), under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code, registered at Police Station Bass, District Hansi, Haryana.
2. On 22.07.2022, the following order was passed by a co-ordinate Bench of this Court :-

“This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 38 dated 11.2.2022 registered under Sections 406, 420, 467, 468, 471 IPC at

Police Station Bass, District Hansi, Haryana.

FIR was registered on the complaint of one Pawan Kumar, Senior Manager, UCO Bank, Bandheri, District Hisar. It was alleged that petitioner had obtained a loan facility of Rs. 3,00,000/- and Rs. 2,00,000/- on 2 different occasions from bank. While availing the loan, petitioner had furnished documents pertaining to 36 kanal 18 marla of land as collateral security. However, petitioner failed to repay the amount as per installments schedule. On inquiry, it was found that petitioner was not owner of said 36 kanal 18 marla of land. However, he was only owner of 3 kanal 4 marla.

Mr. Sanghi, learned counsel for petitioner states that the bank had already instituted a suit for recovery of outstanding amount which is pending. He further states that during inquiry, it was found that petitioner was owner of 20 kanal 18 marla of land which had been furnished as collateral security. He further states that petitioner has prepared a demand draft of Rs. 3,00,000/- which he will right away deposit with complainant bank. He also undertakes that remaining amount would be deposited within 4 months.

Let demand draft of Rs. 3,00,000/- be deposited with complainant bank by petitioner.

The complainant bank may accept the same without prejudice to its rights and contentions in the pending civil suit and present proceedings.

Notice of motion for 19.10.2022.

In the meanwhile, in the event of arrest of petitioner, he shall be released on interim anticipatory bail to the satisfaction of Arresting Officer/Investigating Officer. He will join investigation as and when called for and cooperate in same. He will abide by conditions of Section 438 (2) Cr.P.C.”

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation and vide

CRM-48921-2022 in CRM-M-31501-2022, photocopy of receipts with

regard to deposit of amount by the petitioner has been placed on record as Annexure P-8, which was allowed vide order dated 19.12.2022.

4. Learned State counsel has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required at this stage.

5. Heard learned counsel for the parties.

6. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 22.07.2022, passed by a co-ordinate Bench of this Court, is made absolute.

7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

8. It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

9. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

10. Present petition is accordingly disposed of.

17.05.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No