IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

235 **CRM-M-31256-2023 (O&M)**
Date of decision: 31.07.2023

BABU RAM

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Kusum Raj, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

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HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 252 dated 25.03.2022 registered under Sections 120-B, 406, 420, 467, 468, 471 IPC at Police Station City Karnal, District Karnal.

Learned counsel for the petitioner submits that the FIR in question was registered on the complaint of Jaganjot Kaur Bains, Manager of State Bank of India, Old Grain Market, Karnal and that as alleged in the FIR, the petitioner has taken a loan of Rs. 5,77,000/- from their Branch and Rs.35,000/- from PNB Jundla, Karnal, by procuring fake documents and concealing the facts; that the petitioner was arrested on 05.01.2023, She further drawn the attention of this Court towards the letter dated 12.06.2023 (Annexure P-2) issued by the Bhartiya State Bank, Grain Market, Karnal, to the Tehsildar/Registering Authority (Vehicles), Karnal, according to which the petitioner has repaid the loan amount of Rs. 5,77,000/- and wherein it has also been stated that Bank's lien on the property may please be deleted from the registration book. In the 'No Dues Certificate NDRI Karnal' dated 30.07.2021 (Annexure P-4) issued by the State Bank of India, NDRI Karnal, it has been stated the petitioner has also cleared the loan of the Bank and recommendation to vacate the property in favour of the petitioner has also been made.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has committed a fraud with the Bank by using fake and forged documents and obtained loan and because of non-payment of loan amount, the present FIR was lodged against him and thus, he does not deserve the concession of bail. However, she does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties and have also gone through the documents on record.

The petitioner has been in custody since 05.01.2023. After dismissal of the regular bail by the learned Additional Sessions Judge, Karnal, the petitioner has repaid the loan amount of Rs.5,77,000/- and in this regard, 'No Dues Certificate' dated 12.06.2023 has also been issued by the Bank. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

In case of any irregularity committed by the petitioner, the complainant-Bank would be at liberty to move an application for cancellation of bail granted to the petitioner.

(HARNARESH SINGH GILL)
JUDGE

31.07.2023
Mangal Singh

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