

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-40842-2022 (O&M)
Date of Decision: 16th August, 2023

Paramjit Kohli ... Petitioner

Versus

State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Saransh Sabharwal, Advocate and
Mr. Sajal Bansal, Advocate for the petitioner.

Mr. Chetan Sharma, Deputy Advocate General, Haryana.

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

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR mentioned below :-

FIR No.	Date	Police Station	Sections
153	9.4.2022	Sector-14, Panchkula	120-B, 406, 420, 468, 471 IPC, 1860

2. On 8.9.2022 the following order was passed :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 120-B, 406, 420, 468 and 471 IPC, in a case arising out of FIR No. 153, dated 09.04.22, registered at Police Station Sector 14, Panchkula.

Learned counsel for the petitioner contends that there are several persons against whom similar allegations, as levelled in the impugned FIR against the petitioner, have been levelled. Learned counsel further submits that as a matter of fact the petitioner had

obtained loan against gold in the year 2018 and 2019 from Bank of India, Sector 16 Branch, Panchkula, by mortgaging gold jewelry, details of which are as under:

<i>Year</i>	<i>Weight of Gold Jewelry</i>	<i>Value of Gold Jewelry</i>	<i>Loan Amount</i>
2018	317.37 grams	Rs. 9,33,000/-	Rs. 6,99,000/-
2018	282.2 grams	Rs. 8,55,000/-	Rs. 6,50,000/-
2019	63.09 grams	Rs. 2,00,000/-	Rs. 1,50,000/-

Learned counsel for the petitioner further submits that one goldsmith, Deepak Bhola, who is Managing Director of M/s Guru Nanak Jewelers, Sector 9, Panchkula, who was empanelled by the complainant Bank, authenticated genuineness of gold ornaments mortgaged by the loan seekers including the present petitioner. Learned counsel also points out that more than 10 criminal cases have already been registered against similarly situate persons like the present petitioner and it would not be possible for all the loan seekers to hatch conspiracy with said Deepak Bhola. It is submitted that rather the petitioner has been cheated by the bank officials in connivance with Deepak Bhola.

While making above submissions, learned counsel for the petitioner refers to the order dated 27.04.2022 (Annexure P-2), passed in CRM-M-10897-2022, titled as ‘Vipin Bakshi v. State of Haryana’, and order dated 10.08.2022 (Annexure P-5), passed in CRM-M-35465-2022 (O&M), titled as ‘Sanjana Goyal v. State of Haryana, by co-ordinate Benches of this Court.

Notice of motion.

On asking of the Court, Mr. Vikas Bhardwaj, Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and prays for some time to seek instructions. Copy of the paper book has been supplied to him in advance.

At this Mr. Sanjot Singh Thind, Advocate, has put in appearance on behalf of complainant – Bank and prays for some time to argue the matter.

Adjourned to 23.11.2022.

In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC”

3. As per the instructions received by learned State Counsel on 9.8.2023, the petitioner joined the investigation and thereafter, the matter was referred to Special Investigation Team (SIT). The petitioner appeared before the SIT and was co-operating. He further submits that although the petitioner has joined the investigation yet he must keep on joining the investigation. He fairly submits that none of the bank official is nominated as accused in the FIR as of now. The bank record is being scrutinized.

4. Learned counsel for the petitioner submits that he is actually a victim and is being harassed in the FIR. It is further stated that he has lost his hard earned money and is under the debt. He has lost his gold kept with the bank. He on instructions submits that the petitioner shall keep on joining investigation as and when called for.

5. Learned counsel for the complainant has not filed affidavit in spite of availing opportunity. Learned counsel for the respondent-bank submits that the bank officials are co-operating with the police and had handed over the record. He further submits that procedure for disbursing the loan was followed.

6. It is clarified that observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

7. It is not being disputed that the petitioner had complied with the procedure as laid down by the bank, for availing loan. The

jewellery was verified in the presence of the bank officials by the empaneled jeweller of the bank. Further considering that the petitioner has joined investigation and is ready to join investigation as and when called for, the interim anticipatory bail granted on 8.9.2022 is made absolute subject to compliance of condition under Section 438(2) Cr.PC and keep on joining investigation as and when called for.

8. Disposed of accordingly.
9. Since the main case has been disposed of the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

16th August, 2023
anuradha

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