

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(212) CRM-M-44296-2023
Date of decision:- 29.09.2023

Pala Ram ... Petitioner
Versus
State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Ramender Singh Chauhan, AAG, Haryana.
for State-respondent No.1.

SUVIR SEHGAL, J. (ORAL)

1. Mr. Rakshit Gupta, Advocate has put in appearance on behalf of respondent No.2 and has filed Power of Attorney, which is taken on record.
2. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
252	25.03.2022	City Karnal, District Karnal, Haryana	120-B, 406, 420, 422, 467, 468, 471, IPC

3. Brief facts leading to the filing of the instant petition is that FIR, Annexure P-1, has been registered on the complaint of Manager, State Bank of India, Old Green Market, Karnal alleging that Pala Ram (present petitioner) and Babu Ram sons of Antu Ram had taken a loan of Rs.5.77

lacs by mortgaging land measuring 29 kanals 9 marlas on basis of forged documents. It has been alleged that the accused concealed that on an earlier occasion, they had taken a loan from State Bank of Patiala, N.D.R.I, Karnal by mortgaging the same agricultural land.

4. By making a reference to the communication dated 12.06.2023, Annexure P-2, counsel for the petitioner submits that the accused have cleared the entire loan amount and the bank has issued a “No Dues Certificate”. She submits that the allegations levelled in the FIR are false. Reference has been made by her to order dated 31.07.2023, Annexure P-6, whereby co-accused has been released on bail by this Court.

5. Status report by way of an affidavit of Deputy Superintendent of Police (HQ), Karnal has been filed on behalf of State-respondent No.1, which is taken on record. Custody Certificate dated 28.09.2023 has also been filed by the State, which is taken on record.

6. Upon instructions, State counsel submits that clearance of loan by the petitioner does not absolve him of the criminal liability. As per his instructions, charge has been framed and the proceedings are pending before the Trial Court for leading evidence by the prosecution.

7. Counsel representing the complainant-bank/respondent No.2 has admitted that the loan stands re-paid.

8. I have heard counsel for the parties and considered their respective submissions.

9. Petitioner is accused of an offence, which is triable by a Court of a Magistrate. Charges have been framed, though the prosecution evidence

is yet to start. Petitioner is in confinement since 12.02.2023 and has been in detention for more than seven months. Noticing the allegations against him, length of custody and stage of trial, this Court is of the view that he deserves to be enlarged on bail.

10. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

11. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

29.09.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No