

208

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43842-2023 (O&M)
Date of Decision: 09.10.2023

KHUSHI RAM

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Saurabh Chobey, Advocate for the petitioner.

Mr. Ashok S. Chaudhry, Addl. A.G., Haryana.

...

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.105 dated 18.04.2023, under Sections 120-B, 420, 467, 468 and 471 of the Indian Penal Code, 1860, registered at Police Station Ateli, District Mahendergarh, Haryana.

2. It transpires that above FIR was registered on the basis of statement made by complainant-Bajrang Lal Yadav, Senior Manager, Sarv Haryana Gramin Bank, Branch Kanti to the effect that on 08.11.2007, one Chhaju Ram had taken a loan of Rs.5 Lakh from the Gurugram Gramin Bank, Branch Kanti (now Sarv Haryana Gramin Bank). On 31.08.2013, Chhaju Ram became defaulter and later on, died on 10.08.2019. Petitioner in connivance with his co-accused, namely, Narender Kumar Sharma, the then Assistant Manager prepared forged Balance Confirmation Letter on 01.10.2019 and attached the same with the loan account of said Chhaju Ram, who had already died; thereby caused loss to the lender bank to the

tune of Rs.40 Lakh.

3. Status report by way of an affidavit of Mohinder Singh, HPS, Deputy Superintendent of Police, Narnaul, District Mahendergarh has been filed by learned State counsel and same is taken on record.

Registry will tag the same at appropriate place.

4. This Court, vide order dated 02.09.2023 granted interim bail to petitioner and the same reads as under:-

“Contends, inter alia, that prime accused-Narender Kumar Sharma has already been granted the concession of pre-arrest bail by this Court vide order dated 25.07.2023 passed in CRM-M-24177-2023, titled as ‘Narender Kumar Sharma Vs. State of Haryana and another’.

Notice of motion.

Mr. Vikram Singh, AAG, Haryana, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 09.10.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

5. Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

6. Learned State Counsel, on instructions from PSI Sudhir submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

7. In view of above, interim order dated 02.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

9. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
10. Disposed off accordingly.
11. Pending applications, if any, also stand disposed off.

09.10.2023
Jasmine Kaur

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No