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

**CRM-M-42608 OF 2019 (O&M)
DATE OF DECISION : 08.08.2023**

Ashiq Ali Nathani**...Petitioner****Versus****State of Punjab****...Respondent****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. G. S. Brar, Advocate,
For the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

ARUN MONGA, J. (ORAL)

This is second foray of petitioner before this Court under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking bail in case FIR No.258 dated 17.09.2018 (Annexure P-1) registered under Sections 120-B, 420, 467, 468, 471 of Indian Penal Code, 1860 (for short "IPC") at Police Station Division No.6, District Ludhiana.

2. Per prosecution version, earlier an application was moved by Vijay Munjhal, Managing Partner of Hero Exports and thereafter another application was moved by Ranbir Bakshi before the Commissioner of Police, Ludhiana alleging therein that Hero Exports exported 10 containers of Rice worth USD 247008 to Whiterays Food Stuff Trading, LLC, 207, Domino's Pizza Same Building, Damascus Street, Al Quasis Dubai, which is represented by Ashiq Ali Nathani, who holds Indian passport No.N5063178. Ashiq Ali Nathani was using Indian number on *Whatsapp* for commercial transactions for Rice exports. He deliberately introduced the complainant to enter into transaction to export the goods

worth USD 247008. He fraudulently issued a letter of credit for USD 247008 of Axios Credit Bank Limited, Singapore which never existed. The representative of complainant visited Singapore and filed police report. On visit to the given address of bank with Singapore police, it was found that there is no bank at the given address. Ashiq Ali Nathani has forged the letter of credit of the aforesaid bank, on the basis of which the complainant was induced to ship him the goods to his company M/s Whiterays Food Stuff Trading, Dubai. Even the AED 907260 which is equivalent to USD 247008 was got dishonoured which was signed by Kaleem Pasha, who is one of the Manager of the Company and legal proceedings against him are pending at Dubai. Now the complainant has learnt that Ashiq Ali Nathani, in order to escape the proceedings against him at Dubai, has come to India. Inquiry was conducted on said application and after getting legal opinion, FIR has been registered.

3. Learned counsel for the petitioner states that vide order dated 18.05.2020 passed by a co-ordinate Bench of this Court then seized of the matter, he was granted interim bail on medical grounds. Said order is reproduced herein below :

“ This application has been filed for grant of interim bail in view of order dated 2.5.2020 passed by the High Power Committee chaired by Hon'ble Mr. Justice R.K. Jain.

Learned counsel for the applicant submits that the applicant is 71 years of age and is a chronic patient of Diabetes Mellitus, Hypertension and Coronary Artery disease. He has been in custody for more than one year and four months as on date. The recommendations of the High Power Committee aforementioned squarely apply to the case of the applicant in ongoing Covid-19 pandemic and thus, he deserves to be released on interim bail.

Learned counsel for the complainant as well as learned State counsel vehemently opposes the prayer on the ground that there are 25 other criminal cases pending against the applicant. These cases have been registered at

various locations in the country and the applicant has absconded from the law in the said cases. The record shows that he has four different addresses and the police could not trace him at most of them when it was attempting to arrest the applicant. Thus, he is flight risk and does not deserve the concession of interim bail. However, the medical condition of the applicant is not disputed.

Considering the recommendation/order dated 2.5.2020 passed by the aforementioned High Power Committee, the applicant deserves to be granted interim bail on account of his pre-existing medical condition. However, large number of pending criminal cases against him, the fact that he has absconded from the law in the said cases and being an apparent flight risk, cannot be lost sight of.

Accordingly, it is directed that the applicant be released on interim bail for a period of three months with effect from the date of his release. The bail shall be subject to satisfaction of the trial Court/Duty Magistrate concerned and further subject to furnishing of a local surety. The applicant shall be directed to surrender his passport and provide the address and telephone/mobile number at which he will be available during the period of his interim bail. He shall also furnish a bank guarantee in a sum of Rs.2.00 crores which may be encashed in the favour of the State in the event of the applicant jumping bail.

The application is accordingly disposed of.”

4. Subsequently, vide order dated 04.05.2023, same co-ordinate Bench directed the petitioner to produce medical record regarding by-pass surgery, owing to which he was accorded the concession of interim bail. Said order is reproduced herein below :

“ Counsel for the petitioner apprised the Court that in the month of February, 2023, the petitioner has undergone by-pass surgery and due to said reason, he failed to appear before the police authorities as per directions given by this Court vide order dated 26.4.2022 whereby the petitioner is to appear before the Investigating Officer on 2nd and 4th Monday of each month to mark his presence.

Now be listed on 19.7.2023.

Counsel for the petitioner is directed to produce concerned medical record of the petitioner with regard to his by-pass surgery on the next date of hearing.

Interim order to continue.”

5. Thereafter matter was taken up on 19.07.2023 and time was sought to produce the same.

6. Learned counsel for petitioner submits that his attempts to contact the petitioner have been futile and he is unable to produce any medical record, as directed vide order dated 04.05.2023.

7. Being so, it appears that petitioner is not entitled to any further interim bail in the absence of any medical proof *qua* his assertion that he is still convalescing or otherwise entitled to any concession. In view of the above, instant petition is dismissed.

8. Pending application(s), if any, shall also stand disposed of.

AUGUST 08, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No