

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

2023:PHHC:054953

CRM-M-60786-2022 (O&M)

Date of decision: 19.04.2023

Sahib Singh Pal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Deepkaran Dalal, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)**CRM-11016-2023**

Prayer in the present application is for placing on record
Annexure P-11.

For the reasons mentioned in the application, same is allowed.
Document Annexure P-11, is taken on record subject to all just exceptions.

CRM-M-60786-2022

The present petition has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioner in case FIR No.232 dated
24.04.2022 under Sections 420, 406, 418 and 120-B of the Indian Penal
Code, 1860, registered at Police Station Mujessar, District Faridabad.

Vide order dated 26.12.2022, petitioner was granted the
concession of interim bail in the following terms:-

*'Learned counsel contends that as per allegations, on 08.10.2020
loan amount of Rs. 39 lacs was borrowed by the petitioner in cash from the
complainant (respondent No. 2) and that amount was returnable on
monthly basis at the rate of Rs. 37,000/- to respondent No.2. This way an
amount of Rs. 1,28,000/- has been paid back by the petitioner. Counsel
further submits that infact there is no such written document or evidence
with the complainant that ever any such amount in cash was given to the
petitioner. Counsel also submits that even otherwise dispute between
the parties is entirely of civil nature because as per allegations, petitioner
failed to pay the amount of monthly installments, subsequent to borrowing
the same from the complainant.*

Counsel further argues that cause of action with the complainant arose after using the documents, which were signed by the petitioner and on the basis of those documents respondent No. 2 was succeeded in preparing fake mortgage deed by projecting a story that in lieu of the loan amount petitioner had mortgaged the plot measuring 80 square yard owned by his wife (accused)-Shakuntla. Counsel further submits respondent No. 2 has already filed a civil suit seeking a decree of permanent injunction which is still pending before the concerned Court. Therefore, counsel submits that basic document in the said civil suit is the mortgaged deed and authenticity of which is yet to be ascertained.

He also submits that in regard to the using of signatures of accused person(s) by the complainant/respondent No. 2, already one complaint under Section 156 (3) Cr. P.C. has been filed before the Court of Area Magistrate and 10 months after that the present FIR has been lodged. He also submits that lodging of FIR is nothing but an attempt to twist the arm of the petitioner because already one criminal complaint under Section 138 of NI Act has been filed by respondent No. 2 and same is also pending adjudication against him before the concerned Court. Thus, either the dispute is entirely of civil nature or of bouncing of cheque and thus, lodging of FIR is malicious attempt.'

Learned counsel for the petitioner submits that in compliance of order dated 26.12.2022, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from ASI Mohd. Javed, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

In view of the above, the petition is allowed and interim order dated 26.12.2022, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

19.04.2023

ps-I

(MANJARI NEHRU KAUL)
JUDGE

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