IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) No.2868 of 2024
Reserved on : 27.12.2024
Decided on : 31.12.2024

Avinash Arora ...Applicant

Versus

State of Himachal Pradesh ...Respondent

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?[1]

For the applicant : Mr. Tara Singh Chauhan, Senior Advocate with Mr. Surya Chauhan, Advocate.

For the respondent: Mr. Tejasvi Sharma, Additional Advocate General, for the respondent.

Ms. Madhurika Sekhon, Advocate for the complainant.

Virender Singh, Judge

Apprehending his arrest, in case FIR No.340 of 2024 dated 16.10.2024 (hereinafter referred to as the 'FIR in question'), registered, under Sections 420, 465, 466, 467, 468, 471, 506 and 120-B of the Indian Penal Code (hereinafter referred to as the 'IPC'), with Police Station Sadar Una, District Una, H.P., the applicant has filed the present application, under Section 482 of the Bharatiya

[1]*Whether Reporters of local papers may be allowed to see the judgment? Yes.*

Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS').

2. By way of the present application, the applicant has sought the indulgence of this Court to direct the I.O./police of Police Station Sadar Una, District Una, to release him, on bail, in the event of his arrest, in the above-mentioned case/FIR.

3. According to the applicant, he is innocent person and has falsely been implicated in this case.

4. It is the case of the applicant that accused-Bhanu Kiran Khosla was married with complainant-Rahul Khosla on 28.02.2009 at Ludhiana and they have been blessed with a son, who is stated to be residing with accused Bhanu Kiran Khosla.

5. It is the further case of the applicant that accused-Bhanu Kiran Khosla was treated with cruelty by the complainant and in this regard, there is litigation, under the Protection of Women from Domestic Violence Act, between accused-Bhanu Kiran Khosla and complainant-Rahul Khosla.

6. All these facts have been highlighted to show that the FIR, in question, is nothing, but, the counter-blast

to those proceedings, which have now resulted into issuance of non-bailable warrants against complainant-Rahul Khosla.

7. It is the further case of the applicant that complainant-Rahul Khosla has filed number of complaints against the applicant, details of which have been given in the petition, which are reproduced, as under:-

> "*a) Complaint bearing UID No.2311438 dated 21.04.2022 filed by complainant Rahul Khosla.*
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> *b) Complaint bearing UID No.23380 dated 30.08.2022 filed by complainant Rahul Khosla.*
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> *c) Complaint bearing UID No.57505 dated 26.10.2022 filed by complainant Rahul Khosla.*
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> *d) Complaint bearing UID No.85421 dated 14.12.2022 filed by complainant Rahul Khosla.*
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> *e) Complaint bearing UID No.2334240 dated 12.05.2023 filed by complainant Rahul Khosla.*
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> *f) Complaint bearing UID No.205578 dated 19.07.2023 filed by complainant Rahul Khosla.*
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> *g) Complaint bearing UID No.205529 dated 19.07.2023 filed by complainant Rahul Khosla.*
>
> *h) Complaint bearing UID No.284994 dated 31.01.2024 filed by complainant Rahul Khosla.*
>
> *i) Complaint bearing PG No.384263 dated 16.07.2024."*

8. On the basis of above facts, the applicant has apprehended that the police, at the instance of complainant, is hell-bent to arrest him, in this case. He

has also asserted that he is having deep roots in the society.

9. On the basis of above facts, certain undertakings have been given on behalf of applicant, for which, the applicant is ready to abide by, in case, any direction is issued to the police/I.O., in this case.

10. When put to notice, the police has filed the status report disclosing therein, that complainant-Rahul Khosla has moved the complaint, before the police, mentioning therein the following facts:-

> *"That the applicant is a peace loving person and is the resident of H.No.51, Club Road, Ludhiana (Punjab).*
> *2. That the accused Avinash Arora, Jaswant Arora are the brothers in law of the applicant and Rohit Arora is working with Avinasha Arora. Mrs. Urvashi was earlier working at Una now posted at Regional Office Central Bank of India, Bharat Nagar Chowk, Ludhiana. The accused Bhanukiran is the wife of the applicant.*
> *3. That the accused Avinasha Arora, Jaswant Arora alongwithBhanuKiran wife of the applicant by consulting each other along with Rohit Arora, had link in the Central Bank of India and are closely associated with Mrs. Urvashi. The applicant Owns a car bearing registration No. HP-20-E-7649. 4. That the all accused forged and fabricated the signature of the applicant and got a loan from Central Bank of India against the car of the applicant for an amounting to Rs.4,60,000/ and mis-utilized and misappropriated the said amount for their own use and with a motive to cheat the applicant. At the time of applying the car loan by the accused nos.1, 2, 3, 4, 5 in connivance with each other*

intentionally and deliberately mentioned the mobile number of any other person in the said application, that the complainant could not receive any message while sanctioning the car loan also accused Avinash Arora (accused no 1) has also put a personal gurantee in the loan, which clearly shows the dishonest intention of the accused nos. 1, 2, 3, 4, 5. 5. That the applicant never appeared before the Branch of the bank nor he put his any signature as his signatures have been forged by all the accused nos. 1 to 5 with a motive to defraud with the applicant knowingly well that they are not entitled to take the loan from the bank against the vehicle of the applicant. 6. That thereafter, the applicant came to know about the illegality committed by them, then the applicant approached to the bank and bank supplied photocopies of the loan documents and after going through the same, the applicant came to know that all the accused by hatching criminal conspiracy, forged and fabricated the signature of the applicant and received the heavy amount and they themselves have mis- utilized the funds. They used the forged signature of the applicant as genuine and converted the same for their Own use. The accused no.5 wife of the applicant namely Bhanukiran is assisting all the other accused nos.1 to 5 by supplying the Aadhar card, specimen signature, PAN Card and other relevant documents of the applicant from the house of the applicant. Moreover, the accused nos.1 to 5 threatening the applicant to face with dire consequences. 7. That I Have got the documents from RTI in which my wife Bhanu Kiran Khosla, Avinash Arora and Jaswant Arora has given statement Joint Commissioner (Law and Order) in which Avinash Arora has confirmed he is gurantor in the loan availed in my name alongwith that they have submitted documents: Form CR TEM, Delivery Chalan and Proform Invoice (Compliance Certificate), Letter of Joint Commissioner of Police (Law and Order), Ludhiana), The Manager, Central Bank of India, Santokhgarh Branch District, Una, Himachal Pradesh and compliance of pre- disturbsement

terms of sanction which are not signed by me. 8. I have also recieved Bank document in which it is clearly mentioned that the loan was sanctioned by Urvashi Sharma, Manager, central Bank of India which hereby attached with alongwith statement. That I am also forwarding the Voice recording of Rohit Arora in which he agreed all is planned by Avinash ✓ Arora. 9. That the accuseds nos.1 to in connivance with each other have committed offence u/s 420/465/466/467/468/471/ 506/120-B IPC by misusing the documents of the applicant as well as forging the signatures of the applicant and by obtaining the loan on the basis of the said documents and forged signatures. It is therefore, prayed that the investigation of the application and FIR may be registered against the aforesaid persons and justice be provided to the applicant."

11. On the basis of above facts, police registered the case and thereafter, the criminal machinery swung into motion.

12. In the status report, filed on 16.12.2024, it has been mentioned that during investigation, account opening form, Aadhaar Card, PAN Card, photocopies of Voter ID Card of the complainant were also obtained from Central Bank of India, Branch Santoshgarh.

13. During investigation, accused-Bhanu Kiran Khosla has submitted the details of her bank account, as well as, bank account of Avinash Arora. Thereafter, KYC and account opening form of applicants, from their banks,

were obtained. The specimen signatures of accused were also obtained.

14. It is the further case of the police that Bhanu Kiran Khosla and Jaswant Arora, had disclosed that Avinash Arora (applicant), who is their real brother, will come back on 27.11.2024 and he will join the investigation. However, mobile number of Avinash Arora is found to be switched off and nothing about his whereabouts were found.

15. In this case complainant has also put appearance through his counsel Ms. Madhurika Sekhon Verma, Advocate. She has opposed the bail application on the ground that the release of the applicant will give wrong signal to the Society and chances are there that he may not be available for trial as he may flee away from the country.

16. After perusing the said status report, vide order dated 16.12.2024, interim protection was granted to the applicant, by this Court, directing the I.O. to release the applicant, on bail, in the event of his arrest and the applicant had been directed to join the investigation on 17.12.2024 at 04:00 pm.

17. Thereafter, on 23.12.2024, police has filed the supplementary status report, disclosing therein that the applicant had joined the investigation and after interrogation, his specimen signatures were also obtained.

18. Considering the relationship between the complainant and the applicant and the fact that the present case is stated to be the counter-blast of the proceedings, which have been initiated by accused-Bhanu Kiran Khosla (sister of the applicant), who is not the stranger, but, wife of the complainant, this Court is of the view that the police is not able to make out a case for custodial interrogation of the applicant, in this case.

19. So far as the allegations, which have been levelled against the applicant, in the FIR, in question, are concerned, those will be proved during the trial.

20. So far as the apprehensions, which have been expressed by the learned counsel for the complainant, are concerned, for those apprehensions, reasonable conditions can be imposed, in case, the applicant is able to make out a case for release him on bail.

21. No other case is stated to have been registered against the applicant.

22. Since, the applicant had joined the investigation, as per the directions of this Court, as such, this Court is of the opinion that the interim orders, dated 16.12.2024, is liable to be confirmed. Consequently, interim order, dated 16.12.2024, is made absolute, subject to the following conditions:

> *a) That the applicant will join the investigation of the case, as and when, called for, by the Investigating Officer, in accordance with law;*
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> *b) That the applicant will not leave India, without prior permission of the Court;*
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> *c) That the applicant will not directly or indirectly, make any inducement, threat or promise to any person, acquainted with the facts of the case, so as to dissuade him/her from disclosing such facts to the Investigating Officer or the Court; and*
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> *d) That the applicant shall regularly attend the trial Court on each and every date of hearing and if prevented by any reason to do so seek exemption from appearance by filing appropriate application;*

23. Any of the observations, made hereinabove, shall not be taken as an expression of opinion, on the merits of the case, as these observations, are confined, only, to the disposal of the present bail application.

24. The applicant is directed to move regular bail application, when charge-sheet will be filed in the competent Court of law.

25. It is made clear that the respondent-State is at liberty to move an appropriate application, in case, any of the bail conditions, is found violated by the applicants.

(Virender Singh)
Judge

December 31, 2024 *(ps)*