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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23830-2024

Date of Decision:- 28.11.2024

GURMAN SINGH

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Vivek Singla, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner has filed instant petition under Section 438 of Cr.P.C., for grant of anticipatory bail in FIR No.21 dated 21.02.2024 under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Guruharsahai, District Ferozepur.
2. Learned counsel for petitioner argued that present petitioner was granted anticipatory bail by the Coordinate Bench vide order 13.05.2024 and relevant portion thereof runs as under:-

“The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case having FIR No.21 dated 21.02.2024 registered under Sections 420, 465, 467, 468, 471 and 120-B IPC at Police Station Guruharsahai District Ferozepur.

Learned counsel for the petitioner submits that the petitioner and his brother were having no malafide intention to deceive the concerned Bank in any manner and that actually both of them approached Kuljit Singh Sandhu, Ex. Employee

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of Axis Bank for repayment of loan of Rs. 2,00,000/- availed by their late father from Guruharsahai Primary Cooperative Agriculture Bank Ltd. and also handed over to him Rs. 2,00,000/- for clearance of the loan. Learned counsel further submits that Kuljit Singh Sandhu, handed over to them one clearance certificate and on the basis of that clearance certificate, the petitioner and his brother redeemed the land which was lying mortgaged with the aforesaid Cooperative Bank. It is further submitted that the land in question is still under attachment with the aforesaid Cooperative Bank and petitioner and his brother have made payment of principal amount of Rs. 2,00,000/- to the bank. Learned counsel for the petitioner further submits that the petitioner who is having no criminal history, is ready to join the investigation with the police.

Notice of motion.

Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of respondent-State of Punjab and on instructions from ASI Naresh Kumar, submits that the petitioner and his brother are the main accused who got redeemed land belonging to their father which was under mortgage with the concerned Cooperative Bank, by producing fake clearance certificate.

Learned State counsel prays for time to seek necessary instructions, as to whether, land in question is now attached in an execution proceedings initiated by the Cooperative Bank on the basis of award dated 28.11.2014 and further as to whether the petitioner and his brother have made payment of the principal amount to the bank. Needful be done by the next date of hearing.

In the meantime, the petitioner is hereby directed to join the investigation with the police and in case of arrest, he is to be released on interim bail by the investigating officer/arresting officer to his own satisfaction till the next date

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fixed in this case. The petitioner is also to abide by the conditions envisaged under Section 438 (2) of Cr.P.C.

Now be listed on 23.08.2024.”

3. He further argued that in compliance to the aforesaid order, he has already joined the investigation on 22.11.2024. No recovery is to be effected from him. Therefore, his anticipatory bail may be allowed.

4. Status report is filed in which it is confirmed that petitioner has joined investigation 22.11.2024.

5. Since petitioner has already joined the investigation, therefore, he is not required for any other purpose. He is still ready to abide by the terms and conditions of bail order. Considering the aforesaid factual position, no purpose would be served by sending petitioner behind the bars. Therefore, interim bail granted in favour of the petitioner vide order dated 13.05.2024 stands confirmed subject to the conditions detailed under Section 438 (2) of Cr.P.C.

6. Petition is disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

28.11.2024

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Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No