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2024:PHHC:031313

CRM-M-43489-2023
Date of decision : 05.03.2024

Versus

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Mr. Nitish Garg, Advocate for the complainant.

On 01.09.2023, the following order was passed :-

Notice of motion for 30.11.2023.

Learned counsel for the State and learned counsel for the complainant oppose the interim bail on the ground that the allegations levelled against the petitioner are quite serious and

the same raised serious question about the custody of loan papers with the Bank.

Keeping in view the fact that the matter was earlier compromised, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Status report by way of affidavit of Butta Singh, PPS, DSP, Sub Division Ghanaur, District Patiala has been filed on behalf of respondent/State, today in Court. The same is taken on record.
3. Today, Ld. State Counsel on instructions from ASI Swaran Singh submits that the petitioner has already joined investigation. However, counsel for the complainant has raised a serious issue claiming that the blank papers/stamp papers signed by the complainant are in possession of the present petitioner and he apprehends that the same may be misused by the petitioner.
4. Counsel for the petitioner submits that as per his instructions there are no documents in possession of the petitioner as claimed by the complainant. However, in order to allay the fear/apprehension raised by the complainant he submits that the petitioner undertakes not to misuse any blank paper/stamp paper signed by the complainant.
5. The said statement satisfies the counsel for the complainant.

6. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 01.09.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
7. This order should not be treated as "blanket" order. It will not be read granting the petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
8. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.
9. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
10. It will be open to the police or the investigating agency to move this Court for a direction under Section 439(2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
11. Petition stands disposed off accordingly.

March 05, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No