



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50791-2024
DECIDED ON: 09.10.2024

SARABJIT SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vivek Baghla, Advocate
for the petitioner.

Mr. Malkiat Singh, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.0061, dated 10.09.2024, under Sections 420, 120-B IPC, registered at Police Station City Raikot, District Ludhiana Rural.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Copy of Application No.A150-PC-1-OP dated 02.02.2024+173-PC-1-OP dated 07.02.2024 +302-PC-1-Email dated 24.02.2024; the contents of which are as under: "The Raikot Primary Cooperative Agriculture Development Bank Limited, Raikot, Tehsil Raikot, District Ludhiana. No. 570 dated 16.01.2024, registered post and E-mail Application No. A150-PC-1-OP dated 02.02.2024 + 173-PC-1-OP dated 07.02.2024 +302-PC-

1-Email dated 24.02.2024 Senior Superintendent of Police, Ludhiana Rural; Diary No. 68/R dated 17.01.2024. To, The worthy S.S.P., Ludhiana Rural (Jagraon), Punjab Police. Reminder-2. Subject: Regarding registering FIR for the loan fraud cases. Reference: Letter No. 240 dated 18.03.2023 of this office. Respected Sir, in connection with the subject cited above and letter under reference, it is submitted that earlier also it was requested to you vide Letter No. 29 dated 30.04.2022 to register FIR in the case 10 Agriculture loan cases of PDAB Raikot, wherein borrowers obtained loan in a wrong way in connivance with the officials of Bank and Revenue Department. It was requested to register FIR in this case and that inquiry is pending in your office in application No. 1312-PC-1 dated 09.05.2022. Therefore, it is requested before you to register FIR after completing inquiry regarding 10 Agriculture related of PADB Raikot, so that rights of Bank can be protected. Thanking You. Yours faithfully Sd/-Manager, The Primary Co-op Agn. Dev. Bank Ltd. Raikot.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that nothing is to be recovered from the petitioner as the present case is purely based upon documentary evidence which are already in possession of the police authorities. He further contends that the petitioner is a man of clean antecedents as he is not involved in any other case. It has been asserted on behalf of the petitioner that he has not committed any offence as alleged in the FIR as his duty was only to check the *jamabandis* of ownership of

loanee/borrower from the revenue record available with the Halqa Patwari and not to recommend and sanction authority of any loan amount.

On behalf of the State

Learned State Counsel appearing on advance notice, seeks dismissal of the instant petition on the ground that the allegations against the petitioner are grave and serious in nature, therefore, he does not deserve the concession of anticipatory bail.

4. **Analysis**

Be that as it may, considering the facts that the petitioner is not involved in any other case, meaning thereby, he is not a habitual offender, as has been averred by learned counsel for the petitioner and his duty was only to check the *jamabandis* of ownership of loanee/borrower from the revenue record available with the Halqa Patwari and not to recommend and sanction authority of any loan amount in addition to the fact that nothing is to be recovered from the petitioner as the present case is purely based upon documentary evidence which are already in possession of the police authorities, therefore, his custodial interrogation is not required at this stage.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such

directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall 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 from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

09.10.2024

Poonam Negi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>