



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

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CRM-M-55902-2024

DATE OF DECISION: 13.11.2024

ASHOK KUMAR

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vivek Baghla, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under Section 482 Bhartiya
Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the
petitioner in case FIR No. 0061 dated 10.09.2024 registered under
sections 420, 120-B IPC, Police Station City Raikot, District Ludhiana
Rural.

2. Prosecution story, set up in the present case as per the version in the FIR read 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.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged in the instant FIR. He submits that the present FIR was registered on the basis of the complaint No. 1312-PC-1 dated 09.05.2022 moved by the Raikot Primary Cooperative Agricultural Development Bank Ltd. against the concerned bank officials wherein the allegation against the petitioner is that he has embezzled the agricultural loan in 10 cases, admittedly the alleged embezzlement pertains to the period ranging from 31.07.2012 to 31.10.2014.

Notice of motion.

On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State.

**On behalf of the State**

Learned State Counsel on instructions from ASI Harpal Singh vehemently opposes the prayer for grant of concession of anticipatory bail stating that material documents and other information as well as the modus operandi adopted by the petitioner committing such act is to be extracted and for that purpose, custodial interrogation is must.

4. Analysis

Be that as it may, having considered the submissions made on behalf of both the parties including the prosecution, this Court sanguine of the fact that neither the amount of embezzlement has come on record in the complaint nor in the FIR and admittedly, it is for the period of 31.07.2012 to 31.10.2014. Apart from that, there are false entries made in the ownership column in revenue record by Halqa Patwari on the basis of which petitioner is stated to have committed offence while performing his duties as drawing and disbursing officer of the above mentioned society. Since the recovery whatsoever is there could not be substantiated which could necessitate the custodial interrogation of the petitioner and in any case, it would be documentary evidence which is to be tested by the prosecution, if the allegations are taken to be correct as narrated in the FIR. Hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period. The petitioner undertakes to co-



ordinate with the Investigating officer and will provide all necessary information which is available with him at this stage.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

13.11.2024
anuradha

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