

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-870-2025 (O&M)
Reserved on: 19.03.2025
Date of Pronouncement: 28.03.2025

Anmol Kumar
.....Petitioner(s)
Versus
State of Haryana
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nitin Goswami, Advocate for
Mr. Sumit Bhardwaj, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

Mr. Ankit Kumar, Advocate
for the complainant-Union Bank of India.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
485	29.11.2024	Ambala Cantt., District Ambala	316(2), 318(4), 61(2) BNS

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. As per paragraph 19 of the bail application, the accused has declared his criminal antecedents as follows:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	488	30.11.2024	316(2), 318(4), 61(2) BNS	Ambala Cantt. District Ambala

3. The facts of the case are being taken from the reply dated 18.01.2025 filed by the concerned DySP, which reads as follows:

“4. That as a matter of fact, the present case FIR was registered against accused-petitioner namely Anmol Kumar vide Complaint no. 4410-

PW dated 24.09.2024 moved by the Complainant, Ashish Awasthi, (Chief Manager, Union Bank of India, Nicholson Road Branch, Ambala Cantt) before the office of Superintendent of Police, Ambala wherein he stated that the accused-petitioner took gold loan from Union Bank of India, Branch Nicholson Road, Ambala Cantt, for an amount of Rs. 4,63,000/- by pledging fake gold in connivance with co-accused Pawan Kumar, who was on the panel of the bank as an Appraiser. On the basis of these facts and her ancillary facts, the present FIR came to be on the basis of certain other registered. Hence this case.

5. That after receiving the said complaint, the local police of PS Ambala Cantt investigated the matter and on perusal of the contents of the complaint, and evidence available on the case file, offences under sections 316(2), 318(4), 61(2) BNS, were made out and the present case FIR was registered against the present accused-petitioner along with co-accused Pawan Kumar. It is worthwhile to mention here that the said amount of Rs. 4,63,000 was transferred to the bank account (having account no. 520101244166559) of the accused-petitioner. Further, the 10 joined the Complainant and recorded his statement, which was reduced into writing. duly signed by him., duly signed by him.
6. That in furtherance of investigation of the present matter, the 10 obtained/ collected the following documents as follows:
 - (1) Copy of Application-cum-Letter of Pledge for Advances against gold ornaments;
 - (ii) Copy of the bank statement of the accused-petitioner from the Branch Manager, Union Bank of India, Ambala Cantt from the period 26.07.2024 to 24.09.2024, duly attested by the Branch Manager with the bank stamp on it:
 - (iii) Inter-office letter dated 15.05.2024 stating renewal of Mr. Pawan Kumar (co-accused) as a Jewel Appraiser for appraising Gold Ornaments/Jewellery under Union Gold Loan Scheme duly signed by the Dy. Regional Head with bank stamp:
 - (iv) Statement and summary of accused-petitioner's bank account (having account no. 520101244166559 of Union Bank of India, Polytechnic Chowank, Ambala) from 01.07.2024 to 21.09.2024 duly attested by the Branch Manager, which the 10 took into possession as evidence and also recorded statements of the witnesses. For the kind perusal of this Hon'ble Court, the copy of bank account statement (of Union Bank of India located at Polytechnic Chowank, Ambala City) of the accused-petitioner showing the amount of Rs. 4,63,000/- is annexed herewith as Annexure R-1 (Vernacular attached)."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He has raised arguments to the effect that the gold loan is always advanced after checking the assets i.e. gold and the bank officials are implicating the petitioner falsely; the petitioner has neither defrauded nor

cheated any financial institution or department; the petitioner has taken gold loan to improve his business and not to cheat; it is impossible that the bank would not have verified the original gold handing over the amount of loan; the petitioner being a victim of aforesaid FIR has already filed civil suit and a criminal complaint, Annexures P-4 and P-5 respectively.

5. The State's as well as counsel for the bank oppose bail and refers to the reply. He further submits that the petitioner has filed the civil suit just to distract the attention of the Court and it is absolutely false.

REASONING:

6. An analysis of the petition, reply and documents placed on record leads to the following outcome:

7. On 3.2.2025, this Court had directed the petitioner to join the investigation. Based on said order, the investigator had sent a notice to the petitioner to participate in the investigation, however, he did not join the investigation. It is appropriate to refer to paragraph 7 of the fresh status report dated 11.3.2025, which read as follows:

“7. That in compliance of the above said order dated 03.02.2025, the IO in the present matter issued notice under section 35(3) BNSS to the accused-petitioner on dated 26.02.2025 for joining the investigation of the present matter which was duly received by the mother of the accused-petitioner as the accused-petitioner was not at home and his mother assured the IO that she will send her son to PS Ambala Cantt for investigation on dated 28.02.2025. However, till date the accused-petitioner neither appeared before this Hon'ble Court (as directed by this Hon'ble Court vide order dated 03.02.2025) nor before the IO.”

Due to non-joining of investigation by the petitioner, the order granting interim stay of arrest was vacated vide order dated 4.3.2025.

8. The petitioner has filed civil suit no.1664/2024 before Civil Judge (Sr. Divn.), Ambala, in which he is seeking mandatory injunction directing the defendants/bank to return the original/pure gold to him. Thus, in the civil suit, the petitioner has taken a plea of being cheated. In addition to that, the petitioner has also filed a criminal complaint (Annexure P-5) against the bank. As such, the conduct of the petitioner in filing civil suit and complaint at least raises a preponderance of probabilities that his stand might be correct. Although the evidence might go against the petitioner, but this Court cannot ignore the factum of petitioner's approaching the Courts by filing civil suit or criminal complaint,

which rarely happens. Thus, on these grounds alone, this Court does not deem it appropriate that petitioner’s custodial interrogation is required. However, it is subject to the clarification that the petitioner shall join investigation by himself approaching the concerned police station, on two different dates before 15.04.2025 at 2.00 pm or as and when called for by the concerned investigator. It is clarified that in case he fails to join, it shall be permissible for the investigator to file an application for cancellation of bail before the concerned trial Court, which shall be eligible, competent and qualified to recall the order passed by this Court.

9. Given above, provided the petitioner is not required in any other case, he shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available)	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

28.03.2025

AK

(ANOOP CHITKARA)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO