



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103

CRM-M-20906-2025

DATE OF DECISION: 24.04.2025

SHIV KUMAR

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. D.S. Virk, Advocate for the petitioner(s).

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.22 dated 31.01.2023 under Sections 406,420,467,468,471,506,120-B,34 IPC and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 registered at P.S Ding, District Sirsa.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘Vikram Sukhralia son of Sh. Hukam Chand resident of village Mochiwali Tehsil and District Sirsa, complainant vs. 1. Akint Agarwal resident of RIOC 802 Gayatri Shivam 90 Foot Road Thakur Complex, Kandivali East Mumbai Maharashtra 2.



Surendra Pal son of Neki Ram 3. Jaipal son of Sh. Neki Ram resident of village Mochiali Tehsil and District Sirsa 4. Shiv Kumar son of unknown accused under Istgaasa Section 420/467/468/471/506/34/406/120-B IPC Police Station Ding. Sir, 1, complainant makes the following statement that the complainant is the resident of the above address and is a peace loving, law abiding citizen. 2. That on 13-2-18, the applicant had taken a loan of Rs. 1,50,000 from Landing Park Solution Pvt. Ltd. Company through accused No. 2 Surendra son of Neki Ram, who is the main person of the company. Accused No. 2 had got the applicant's signed on the three cheques of HDFC Bank of account number 50100228913020 and some blank papers as security. Landing Park Company had its office on Ding Road. The default installment of the applicant's loan was Rs. 8081/-, which the applicant kept paying without any interruption and on 3-6-2020, the applicant had paid the entire amount of the said loan along with interest. The applicant used to pay the installment of his loan either in cash to the accused Surendra or sometimes used to deposit the installment in the company's HDFC bank account no. 5700000049932 in cash but the company did not provide any receipt for the installment which were deposited by the applicant. 3. That despite the completion of the loan installment of the applicant, the accused Surendra deducted an amount of Rs. 500/- from the above mentioned HDFC bank account of the applicant by copying the signature of the applicant through fake ECS. When the applicant complained about this to the company, Surendra Kumar said that according to the company, one more installment is made out from your side, if you pay that, your loan will be completed. Even after the applicant paid the additional installment, the accused kept harassing the applicant by calling repeatedly, in respect of which the applicant gave a complaint on cm window CMOFF/M2021/001430 dated 6.1.21, but despite giving NOC, by hatching a criminal conspiracy, they filled the bank cheque of



Rs.65543/- of the applicant and tried to withdraw the money by depositing it in his bank account on 11-7-22, but due to lack of money in the bank account, the cheque bounced, in respect of which a complaint was given CM Window CMOFF/N2022/081374 dated 18-7-22, the investigation of which was carried out by Ding police station. In connection with this complaint, Surendra Kumar's younger brother Jaipal son of Neki Ram was called as a credit manager to Landing Park Solution Pvt. Ltd., where Jaipal submitted some documents of the company to Police Station Ding during the investigation, which clearly showed that the applicant's loan amount of Rs 22,000 is outstanding, which is completely wrong. The applicant has already paid the entire loan amount by paying one more installment. Then the applicant gave a complaint number 4674 PC dated 29-8-22 in the office of Superintendent of Police, Sirsa, which was marked by Superintendent of Police Sirsa to Police Station Ding, which was later sent to the Economic Offences Wing from Police Station Ding for investigation. Even while the investigation of the complaint was underway, the accused filled another bank Cheque of Rs 142950/- in their account on 30-9-22, which bounced due to lack of money in the bank account of the complainant. In this way, all the above accused are repeatedly getting the cheques of the complainant bounced by misusing the cheques taken from the complainant as security and on the basis of false facts, whereas the complainant has paid the entire loan amount, whose NOC was also made available to the complainant by the company on 8-3-21. Applicant had taken a loan of one lakh fifty thousand rupees from the company and applicant was registered as a witness in the company. Apart from this Applicant has nothing to do with the company. The accused are using the cheque taken as security to harass applicant and have made a fake ES in applicant's HDFC bank account by using the fake signature of applicant. It is pertinent to write that the accused have done this



earlier also with many of their customers, regarding which many applications have been given to the SP Sirsa. 4. That the witnesses of this entire incident are Rajveer son of Shri Vijay Pal resident of village Mochiwali District Sirsa Tehsil and District Sirsa, Mange Ram son of Raghuveer Singh resident of village Kukadthana, Surendra Nehra son of Bhola Ram resident of village Farwai Kala District Sirsa who is also an employee of the company and Raj Kumar son of Daya Ram resident of GT Road opposite MM College Fatehabad. 5. That despite filing complaints in the police in this regard, the police is not taking any action against the accused, rather the accused are threatening to kill the victim. Therefore, the present petition is being filed in the Honorable court. 6. That the victim is a resident of village Mochiwala District Sirsa and the above mentioned matter is committed in the jurisdiction of Police Station Ding, which comes under the judicial jurisdiction of your Honorable court, hence you have the right to hear the present petition. 7. That the prescribed court fee has been pasted on the petition. Therefore, by presenting the application it is requested that the accused, by being accomplices in the conspiracy, have cheated the applicant, have committed breach of trust and have threatened to kill the applicant, thus the accused have committed the offence under Section 420/467/468/471/506/34/406/120-B IPC, hence the accused should be summoned under these sections and given severe punishment. Sirsa/Date:17/12/22 Sd/- Vikram Singh Applicant Vikram Sukhraliya son of Shri Hukam Chand resident of village Mochiwali Tehsil and District Sirsa,

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner would contend that the petitioner has falsely been roped in. He was an employee of Lending Park Solution Pvt Ltd Company. Complainant-Vikram Singh, who was



earlier an employee of the company had obtained loan for himself as well as for his other family members from the Company. Company had filed complaints under NI Act against the complainant and his mother in which he is avoiding his service with his bailable warrants having been issued by the Court. Present FIR is a counter blast to the said complaints and that it is the complainant who committed serious fraud with the company by obtaining forged and fabricated NOC being employee of the Company and was well known of all the norms. He further submits that the petitioner is at parity with co-accused Jaipal who has already been granted concession of anticipatory bail vide order dated 27.03.2025 passed in CRM-M-16833-2025.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that petitioner has misused the cheque of the complainant and therefore his custodial interrogation is required but is not in a position to controvert the submissions made by counsel for the petitioner.

4. Analysis

Be that as it may, considering the facts that the prosecution story is based on documentary evidence which can be very well extracted once he is made to join the investigation; nothing is to be recovered from



him, moreover, co-accused Jaipal has already been granted concession of anticipatory bail by this Court, 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.

5. **Relief**

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

24.04.2025
anuradha

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