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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26392-2025
DECIDED ON: 14.05.2025

SATYAWAN

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Govind Chauhan, Advocate
for the petitioner.

Mr. B.S. Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section Section 482 of the Bhartiya Nyaya Sanita, 2023 for grant of anticipatory bail to the present petitioner in case FIR No. 145, dated 24.04.2025, under Sections 406, 420 of Indian Penal Code, Police Station City Jind, District Jind (ANNEXURE P-1).

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

> *"To, The S.P., District Jind. Subjet-Complaint against Stayawan Son of Shyam Sunder M/s Shiv Sahara Printer Shop No. 3, Fire Brigade Market (Mo. 7082297730) resident of Krishna Colony near Kundan Cinema Jind and Kuldeep son of Mr. Purushotham M/s Bagdi Printer near Pishori Lal Dharamshala (9034926837) resident near Shomnath Mandir Teh. and District Jind regarding Bank of India Branch Jind*

for cheating and sharing Rs. 9,90,000/- about money by grabbing and misusing the government sponsored loan scheme. Sir, the applicant makes the following representations that: 1. That the applicant is currently working as the Chief Manager of Bank of India Branch, Jind. 2. That on 28.09.2023 Accused No. 1 applied for a loan of Government sponsored loan scheme MSME currency at Bank of India Branch Jind in which Accused No. 1 applied to buy machine and paper from Accused No. 2. By taking into consideration, Bank accepted the application of Accused No. 1 and as per requirement of Accused No. 1, Accused No. 1. made an invoice (as many machines and papers were to be purchased) from accused No. 2 and submitted the documents in the bank after which the bank approved a loan of Rs. 6,28,500/- and on 17.10.2023 Rs.7,30,000/- was deposited with margin. 3. That aftér that, the bank asked defendant No. I to pay the bill for the purchase of machinery, but defendant No. 1 kept refusing to come. Negarding which letters were issued by the bank on 20.01.2024 and 28.03.2024 to accused No. I but even after that the accused did not deposit the bill of purchase of machinery in the bank. 4. That when accused No. I was asked by the bank either to deposit the bill or to pay the loan amount, a false application was given by accused No. 1 in police station city Jind against accused No. 2 and the bank in which the got the information about the involvement of the accused to grab the loan amount given by the bank and to cause damage to the bank. In which the amount deposited by the bank in the account of accused No. 2, both the accused made a cash transaction between themselves and misled the bank and gave a false application against the bank in which accused No. 1 said that Rs. 50,000/- on 13.12.2023 in cash and Rs. 39,000/- on 21.12.2023, Rs. 11,000/- has been received from accused No. 2 through phone pay, Rs 1,00,000/- in cash on 11.09.2024 was received by Accused No. 1 in the Police Station, whereby it appears that the accused conspired to defraud the bank and misused the government-sponsored loan scheme. 5. That the above accused deliberately cheated

> *the bank and by not paying the loan amount, the police is also being misled by repeatedly submitting false tax returns. Therefore, it is your request that strict legal action be taken against the above culprits for taking a loan of Rs. 9,90,000/- by cheating and colluding with the Bank of India branch, Jind, and misusing the government sponsored loan scheme. The complainant should be given justice."*

3. Learned counsel for the petitioner has undertaken before this Court that he is in communication with respondent No.2-Bank and an understanding has been reached that they will re-schedule the instalment after regularizing the loan account of the petitioner and in addition to that, he would submit that till January, 2025 he has been repaying the instalments in time, in support of which, a letter dated 21.04.2025 has been produced in Court issued by Bank of India.

4. In the light of these facts having unfolded before this Court and the undertaking made on behalf of the petitioner that he will make the good loan amount after respondent No.2-Bank regularize his loan account, he is admitted to anticipatory bail subject to him 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-*
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> *(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.'

5. 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.

6. In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

14.05.2025
Poonam Negi

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