In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-19520 of 2015
Date of Decision: 14.8.2015.

Harish Mahindru ....Petitioner

Versus

State of Punjab ......Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Arun Gosain, Advocate
for the petitioner.

Mr. R.P.S.Sidhu, AAG, Punjab.

Mr. Varun Sharma, Advocate
for the complainant.

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SABINA, J.

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No. 141 dated 02.5.2015 under Section 420, 406, 467, 468, 471, 120-B of the Indian Penal Code, 1860, registered at Police Station Civil Lines, Amritsar City, District Amritsar.

Prosecution story, in brief, is that accused were employed at Bajaj Allianz Staffing Solution. Accused were entrusted with the responsibility to sell the products of the company. Accused were required to collect the photocopies of the relevant documents from the intended customers who approached them for financing the consumer goods or household articles from the company. The accused were required to verify the genuineness of the documents before processing the files. However, the accused with *mala fide*

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intention forged the documents for the purposes of cheating and defrauded the company and procured loans on the basis of the forged documents. The relevant portion of the FIR so far as the petitioner is concerned, reads as under:-

> *"5. That for the instance/example, the accused no. 1 Harish Kumar forwarded files of one Mr. Manish Kumar son of Deepak Kumar bearing case file No. SF14132057 dated 23.4.2014 for finance of one I-Phone 5S 16 GB Gold and he attached with the file (a) invoice Bill, (b) copy of Pan Card bearing No. BKFPG4484E & (c) Driving license no. QLA : PB-02-NDL/893310/10-11 and verified the said document under his signatures with signatures of Manish Kumar further he forwarded loan application case file no. SF1444930 Dated 8.5.2014 of same person Mr. Manish Kumar son of Deepak Kumar for purchase of Apple I-Phone 5S 16 GB Gold and Mr. Harish Kumar attached with the file invoice of the product, but this time having different pen card bearing no. : BFGPK5743E an d driving license bearing no.: GLA:PE-02-NDL/916327/10-11 was attached having same photograph of Manish Kumar and also photocopy of the bank account in the both files is same person Mr. Manish Kumar joint with Jyoti Kumari and so much so said Harish Kumar further forwarded file of same person Mr. Manish Kumar regarding purchase of one Samsung Led TV and with this file he identified and attached different copy of driving license of said Manish Kumar bearing No. : QLA:PB-02-No. 896623/NDL.*

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6. That not only this, said Harish Kumar accused No. 1 forwarded loan application case no. SE11615959 dated 25.10.2013 of Surinder Singh son of Gurdyal Singh for purchase of one laptop Sony SVE153185NW with the copies of his (a) Driving license no. QLA-PB-02 No. NDL/89541/09-10, (b) Voter identity card and (c) Bank account and he also forwarded another loan application of the same person named as Mr. Surinder Singh bearing case file no: 11172911 dated 24.9.2013 for purchase of Samsung LED TV with same copy of bank account, but voter identity card is having different photograph and not of Mr. Surinder Singh and driving license is also different bearing no. QLA : PB-02-No. 90982/NDL and similarly accused No. 4 Mr. Yetes Dhawan forwarded forged document of Mr. Karan Taneja for purchase of voltas Air Conditioner vide case file no. SF114306106 dated 2.5.2014 and on verification it is found and all these documents are forged and the addresses of the persons are also wrong and no such person is residing at the address given in the loan case files and documents applied with the files, even the document of other accused are attached with this application as Annexure A-7."

Learned counsel for the petitioner has submitted that petitioner has been falsely involved in this case. Petitioner is ready to join investigation.

Learned State counsel, on the other hand, has opposed the petition and has submitted that the allegations levelled against the petitioner are serious in nature. Petitioner is required for

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custodial interrogation.

In the present case, allegations levelled against the petitioner are serious in nature. As per the prosecution case, petitioner and his co-accused got loan on the basis of forged and fabricated documents. The company had sanctioned loan to the tune of ₹ 20,00,000/- on the basis of files processed by the accused. Thus, the company had suffered a huge loss. Petitioner is required for custodial interrogation.

No ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

(SABINA)
JUDGE

August 14, 2015
Gurpreet

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