

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

**Crl. Misc. No.M-21283 of 2015
Date of decision : 14.07.2015**

Bhagwant Singh and another

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

Present: Mr. Tejinder Pal Singh, Advocate
for the petitioner.

Mr. V.P.S. Sldhu, AAG, Punjab.

ANITA CHAUDHRY, J(ORAL)

The petitioners are seeking anticipatory bail in FIR No.63 dated 17.05.2014, registered under Section 420, 467, 468, 471 IPC, Police Station Amargarh, District Sangrur.

As revealed from the record, the petitioners had taken a loan of Rs.2,85,000/- from Housefed, Punjab for construction of a house. The claim of the petitioners is that they had repaid the entire loan and receipt of Rs.3,00,000/- was issued by Chet Ram, Secretary, Amargarh Block Rural Co-operative House Building Society. It was revealed that the loan amount had not been paid and no due certificate presented by the petitioners had been forged with a view to

cheat the Society. On the basis of this complaint FIR was registered at the behest of District Manager, Housefed, Sangrur.

Learned counsel for the petitioners contends that it was the Secretary of the Society who had cheated and he had issued a receipt and the loan amount had been paid. Learned counsel urges that the petitioners are innocent persons and they were not to benefit. He also states that a civil suit has been filed in this regard and the matter is now before the appellate Court.

Learned State counsel states that preliminary investigations were carried out and it was found that the no due certificate was forged and it has been used to get the entries in the revenue record changed and no loan amount had been paid. He states that the civil suit filed by the plaintiff had been dismissed and the suit had been filed with a view to avoid the payment and the petitioners are defaulters since 2004.

Section 438 Cr.P.C. is an extra ordinary remedy and protection can be granted only considering the material and the facts of a given case. The allegations against the petitioners are grave. Custodial interrogation is necessary. It would be difficult to carry out the investigation and it is necessary to curtail their freedom to enable the Investigators to proceed. No fetters can be placed upon the Investigators.

The petition is dismissed.

14.07.2015
sunil

(ANITA CHAUDHRY)
JUDGE