IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM-M-22994-2015 (O&M)
Date of decision: July 23, 2015

Sohan Singh Kalra ...Petitioner

Versus

State of Punjab & another ...Respondents

CORAM: **HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. Sudershan Goel, Advocate for
Ms. Rupinder Kaur, Advocate for the petitioner
(in CRM-M-22994-2015)

Mr. Parminder Singh-I, Advocate for the petitioner
(in CRM-M-23097-2015)

<u>Rajan Gupta, J.</u>

This order will dispose of two petitions i.e. CRM-M-22994 of 2015 and CRM-M-23097 of 2015, seeking pre-arrest bail in a case registered against the petitioners under sections 420, 465, 467, 468, 471, 120-B IPC at Police Station Kotwali, Bathinda, vide FIR No.154 dated 13.06.2015.

Complainant Navninder Kaur lodged the instant complaint. She alleged that accused Monika Garg had obtained a loan of Rs.1,45,00,000/- from Punjab and Sind Bank, Bathinda. Darshan Singh Dhillon and petitioner Raj Kumar stood guarantors for repayment of loan. Raj Kumar had also mortgaged share of his land measuring 09 Kanals 17 Marlas for the purpose of loan. Till 24.11.2011, no amount of loan was repaid. Complainant, thus, alleged that an amount of Rs.1,45,00,000/- was withdrawn by Monika Garg and Bhagwan Dass in connivance with accused Himmat Singh, Raj Kumar and bank officials. The property mortgaged by Raj Kumar was not demarcated, thus, it cannot be said whether any such property existed. No verification in this regard was conducted by the bank. Though Punjab and Sind Bank initiated proceedings for attachment and auction of properties of guarantors Darshan Singh Dhillon, but no action was taken against Raj Kumar. As prime property belonging to Darshan Singh Dhillon was auctioned, he committed suicide on 1.5.2013. No action regarding property of Raj Kumar was taken as it was not demarcated. Complainant also alleged that Manager Surinder Singh Sidhu and Sohan Singh Kalra (petitioner herein) did not verify the property of Raj Kumar while deciding to sanction the loan. During pendency of case, an enquiry was also conducted by a Dy. Superintendent of Police. He came to the conclusion that Surinder Singh Sidhu, Manager of Punjab and Sind Bank and Zonal Manager Sohan Singh Kalra did not scrutinize the land of guarantor Raj Kumar and advanced loan of Rs.1,45,00,000/- in violation of norms of Reserve Bank of India. They, thus, also cheated the bank by granting loan on the basis of fake documents. In this context, he observed that Monika Garg was already defaulter of the bank and papers of Raj Kumar's property were not verified in complicity with bank officials. He, thus, recommended that case under sections 420, 465, 467, 468, 471, 120-B IPC be also registered against Sohan Singh Kalra and Surinder Singh Sidhu, Zonal Manager and Manager of the bank respectively.

Learned counsel for Sohan Singh Kalra has mainly argued that he had no role to play and he has merely acted as Zonal Manager. He merely signed the documents. As bank has already initiated proceedings under the relevant statute, no case is made out against the petitioner. He has relied upon judgment of the apex court in *Mrs. Priyanka Srivastava and another Vs. State of U.P. and others, Criminal Appeal No.781 of 2012*.

Learned counsel for the accused Raj Kumar argued that Raj Kumar merely stood as guarantor and had no role to play. Thus, he is entitled to concession of pre-arrest bail.

I am not convinced with the plea of the petitioners. Keeping in view entire gamut of circumstances, it appears that investigation has to be taken to its logical end. It is not clear how a loan of Rs.1,45,00,000/- was sanctioned by the officers of the bank including petitioner Sohan Singh Kalra despite the fact that loanee Monika Garg is stated to be a defaulter and property papers submitted by accused Raj Kumar were not in order. Due to this reason, not only the bank suffered but property of another guarantor Darshan Singh Dhillon had to be auctioned, who later committed suicide. The reason, due to which Reserve Bank of India guidelines were not adhered to, needs to be investigated. Entire conspiracy was brought to light by Navninder Kaur widow of Darshan Singh Dhillon. It is on record that Raj Kumar's property could not be identified as it was not demarcated. In the enquiry it was also found that Monika Garg alongwith one Bhagwan Dass had committed fraud with other banks i.e. 2.7 Crores with Central Bank of India, 3.2 Crores with

Punjab National Bank, Kikar Bazaar and another 1.5 Crores with Punjab National Bank, Bibiwala Road. Despite this, Monika Garg was also given a overdraft of Rs.10.00 lacs by the bank officials and also a car loan. For sanctioning the loan, bank officials were required to see layout plan of the property and no loan could have been sanctioned against agricultural land. All these safeguards were thrown to winds while sanctioning the loan. There are issues which need thorough probe. Grant of concession of pre-arrest bail to the petitioners would hamper the investigation which is making some headway. The judgment in *Priyanka Srivastava's case* (supra) cannot help the petitioners as same was delivered in a criminal appeal. However, this court is considering the issue at this stage under section 438 Cr.P.C. No case for grant of concession of anticipatory bail is made out.

Dismissed.

July 23, 2015 **(RAJAN GUPTA)**
'Rajpal' **JUDGE**

Whether to be referred to reporter? Yes / No