

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

CRM-M-25895 of 2015 (O&M)

Date of decision : 12.8.2015

Kapil Kumar

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ramneek Vasudeva, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

The present petition under Section 438 of the Code of Criminal Procedure praying for grant of pre arrest bail in FIR No.40 dated 3.3.2015 under Sections 406, 419, 420, 465, 467, 468, 471, 120-B IPC registered at Police Station City Rup Nagar, District Rup Nagar.

Contends that the petitioner has not received any amount allegedly sanctioned by the Bank, infact the amount of loan sanctioned in favour of the petitioner was directly credited to the account of co accused Sarbpal Singh Satyal. The said Sarbpal Singh Satyal had an account with the Bank of the complainant and that amount so sanctioned on the application of the petitioner was adjusted by the bank towards the liability of the co-accused Sarbpal Singh Satyal.

On the other hand, learned counsel for the State submits

that RC of Indica Vista Car bearing registration No.PB-12 M 5673 is in the name of Gurmel Singh which had been transferred from the owner Rajinder Singh of village Dhakowal on 13.4.2011 at the time of presenting the application for loan. This fact was in the knowledge of the petitioner Kapil while he made an application for the loan. He further states that another FIR No.38 dated 28.2.2015 under Sections 406, 419, 420, 465, 467, 468, 471, 120-B IPC is registered against the petitioner alongwith co-accused Sarbpal Singh. It is prima facie made out that the petitioner knowing fully well submitted forged documents to secure loan of ₹4 lacs from the complainant Bank. The assertion of the petitioner that delivery of the vehicle was not made in favour of the petitioner cannot be appreciated for the fact that the petitioner never raised any objection with regard to non delivery of the vehicle. The instant FIR was lodged on 3.3.2015 with regard to the transaction made on 28.4.2010. The vehicle in question had already been sold by its original owner in favour of Gurmel Singh (might be registered owner). The petitioner is also involved in another FIR.

From the record it emerges that the petitioner is involved in multiple transactions with the complainant-bank. He allegedly after forging the documents in connivance with the co-accused have obtained the loan amount to the extent of Rs.4 lacs. The involvement of the petitioner in FIR No.38 dated 28.02.2015 is also not in dispute.

Keeping in view the amount involved and the antecedents

of the petitioner, this Court feels that no case for grant of bail to the petitioner is made out at this stage.

Dismissed.

12.8.2015

Meenu

(JITENDRA CHAUHAN)

JUDGE