IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) Crl. Appeal No.S-1575-SB of 2003

S.P.Bhatia

...Appellant

VERSUS

CBI

...Respondent

(2) Crl. Appeal No.S-1710-SB of 2003

Balwant Singh

...Appellant

VERSUS

CBI

...Respondent

Date of Decision: January 07, 2015

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.A.S.Kalra, Advocate
for the appellant (in CRA No.S-1575-SB of 2003).

Mr.Sidakmeet Singh Sidhu, Advocate
for the appellant (in CRA No.S-1710-SB of 2003)

Mr.Sumeet Goel, Standing counsel
for the CBI-respondent.

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<u>INDERJIT SINGH, J.</u>

These two appeals have been filed by the appellants against the judgment of conviction and order of sentence dated 31.07.2003, passed by learned Special Judge, CBI Punjab, Patiala whereby the accused-appellant S.P.Bhatia was held guilty and convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of two months under Section 120-B read with Section 420 IPC and to undergo rigorous imprisonment for a period of three years and to pay fine of ₹2,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of three months under Section 420 IPC. Appellant S.P.Bhatia was further convicted under Sections 381, 469, 471 and 477-A IPC and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of two months for each Section. He was further convicted under Sections 5 (1) (c) and Section 5(1) (d) punishable under Section 5 (2) of the Prevention of Corruption Act, 1947 and sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of ₹2000/- and in default of payment of fine to undergo rigorous imprisonment for a period of two months for each Section. Accused-appellant Balwant Singh was held guilty and convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹500/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month under Section 120-B read with Section 420 IPC. All the sentences were ordered to run concurrently.

The brief facts of the prosecution case as noted by learned Special Judge, CBI Punjab, Patiala in his judgment are that S.P.Bhatia accused, the then Manager, Indian Overseas Bank, Moga District Faridkot while posted and functioning as such during the period 1985-

86 entered into a criminal conspiracy with Balwant Singh accused with object to cheat Indian Overseas Bank, of the Foreign Exchange Instruments deposited in the bank by various account-holders on different dates in their accounts and in pursuance thereof, S.P.Bhatia accused by abusing his official position as public servant pilfered Foreign Exchange Instruments, the details whereof have been given in Column 2 of Annexure-A attached with the charge-sheet. These instruments were received in the bank on being deposited by various account holders in various bank records viz, namely ODBF, DBRF, CP registers etc. which were disposed of in the market at premium by the accused.

The Foreign Exchange Instruments, particulars whereof have been given in Column No.2 of Annexure-A were tendered in Indian Overseas Bank, Moga on different dates by different account-holders who were having Saving Bank accounts and NRE Saving Bank accounts in the State Bank of Patiala. The particulars of these persons have been given in column No.5 of Annexure-A. The details of the dates on which the instruments were lodged in Indian Overseas Bank, Moga along with reference No. of the bank have been given in column No.6 of Annexure A. On the receipt of these Foreign Exchange Instruments in Indian Overseas Bank, Moga, the relevant entries in ODBF/DBPF, C.P. Registers of the bank were made by Ashwani Kumar, Clerk, S.P. Gupta, Anil Garg, Clerk, K. Krishan, Clerk, and S.P.Bhatia accused himself. Most of the entries were checked by S.P.Bhatia, which were initialed by him in the concerned registers. The particulars of the page number of the relevant register and the name of the officer who recorded entries and checked are mentioned in column No.7 of Annexure-A. These Foreign Exchange Instruments before being despatched from India Overseas Bank, Moga to Indian Overseas Bank, Ludhiana for realizing the payment from the Foreign Bank were pilfered by S.P.Bhatia accused as employee of the bank surreptitiously and were not sent to Indian Overseas Bank, main branch, Ludhiana. In the despatch register of Indian Overseas Bank, Moga, S.P.Bhatia accused had falsely shown by way of insertions for having despatched the said instruments to Indian Overseas Bank, Moga to Indian Overseas Bank, Ludhiana. The details of the dates on which these instruments were shown despatched from Indian Overseas Bank, Moga to Indian Overseas Bank Ludhiana and the names of persons who recorded the entries in the despatch register have been mentioned in column No.8 of Annexure A. These Foreign Exchange Instruments were not received in the Indian Overseas Bank, main branch, Ludhiana as there was no entry regarding receipt of these instruments in their relevant records. The rupee equivalent amount of Foreign Exchange Instrument was credited to the account holders on the dates these were tendered being purchased (DBPF) by preparing two vouchers i.e. debit on DBPF vouchers and credit was given to the parties account on the basis of forged Credit Advices purported to have been sent by Indian Overseas Bank, main branch, Ludhiana. Since the entries regarding Foreign Exchange Instruments had been standing in the books of Indian Overseas Bank, Ludhiana, therefore, these entries had to be eliminated/cancelled. These Foreign Exchange Instruments were shown to be realized in the relevant books on the dates mentioned against each instrument in column No.9 of the Annexure-A. The entries standing in the books were eliminated by means of vouchers prepared and signed by officials/officers whose particulars have been mentioned in column No.9 of Annexure-A on the basis of forged and false credit Advices which were found to have been either prepared by S.P.Bhatia himself or these have been got prepared by him from some other persons showing as these Credit Advices had been sent by Indian Overseas Bank, main branch, Ludhiana to Indian Overseas Bank, Moga as the proceeds of Foreign Exchange Instruments. All these Credit Advices were found to be forged as per opinion of G.E.O.D. Shimla, the details of these forged Credit Advices have been given in column No.10 of Annexure-A and the details of Credit Advices which had been prepared by S.P.Bhatia accused as per opinion of G.E.Q.D. Shimla have been mentioned in column No.11 of Annexure A.

In order to cover up credit of amount of various Foreign Exchange Instruments in rupees equivalent on the basis of fictitious and forged Credit Advices in the books of Moga branch, S.P.Bhatia accused had obtained ordinary cheques from Balwant Singh accused which had been issued by him from his accounts opened/maintained in State Bank of Patiala, Sabban Bazar, Ludhiana and State Bank of India, Agar Nagar, Ludhiana, Balwant Singh accused had opened Saving Bank account No.3305 in State Bank of Patiala, Sabban

Bazar, Ludhiana and another Saving Bank account No.3499 in State Bank of India, Agar Nagar, Ludhiana on 21.2.85 which was converted into current Account No.247 on 22.10.85. S.P.Bhatia accused had used cheque Nos.739741, 739743 to 739748, 739751 to 739760 of different amounts issued from Saving Bank account No.3305 of Balwant Singh accused maintained in State Bank of Patiala, Sabban Bazar, Ludhiana and cheques No.730576, 730577, 730580, 730582 to 730584 of different amounts issued from current account No.247 of Balwant Singh accused maintained in State Bank of India, Agar Nagar, Ludhiana. These cheques were found issued in the names of various persons such as Narinder Singh Gill, B.K.Chadha, Mohinder Singh, Chamkaur Singh, Gurdev Singh, Surjit Singh, Bahadur Singh and Jasjit Singh etc which were the common names of the persons who had deposited Foreign Exchange Instruments in Indian Overseas Bank, Moga. These cheques were given by S.P.Bhatia accused and shown them to have been received in Indian Overseas Bank, Moga. In fact, no entries regarding receipt of these cheques were found in ODB register of IOB Moga and ODB numbers given of these cheques were found to be fictitious. All the cheques on the receipt were endorsed with the endorsement that payee account will be credited on realization by S.P.Bhatia accused in his own handwriting and signatures. These cheques were sent by S.P. Bhatia accused to Indian Overseas Bank, main branch, Ludhiana vide cheque forwarding scheduled dated 22.5.85, 25.4.85, 25.5.85, 8.7.85, 26.7.85, 22.2.85, 5.8.85, 6.9.85, 20.9.85, 3.10.85, 17.10.85, 24.10.85

and 7.11.85. These cheque forwarding schedules have been found to be in the writing of S.P.Bhatia accused and containing his signatures. The above cheque along with above-mentioned cheque forwarding schedule and cheques were sent to Indian Overseas Bank, main branch, Ludhiana. These cheques were sent to the Indian Overseas Bank, Ludhiana to the concerned banks for realizing of payment. On clearing of all these cheques by State Bank of Patiala, Sabban Bazar, Ludhiana and State Bank of India, Agar Nagar, Ludhiana credit Advices showing realization of the said cheques were prepared by the officials of India Overseas Bank, Moga as the proceeds of the above mentioned ordinary cheques which had been received from Indian Overseas Bank, Moga for collection. The office copies of these Credit Advices were available and found to be containing genuine signatures of the officers of Indian Overseas Bank, main branch, Ludhiana. The original Credit Advices sent from Indian Overseas Bank, Ludhiana to Indian Overseas Bank, Moga were removed by S.P.Bhatia accused from the Bank record, and instead of these Advices, details whereof have been mentioned in column No.10 of Annexure A showing the same as if these had been received from Indian Overseas Bank, main branch, Ludhiana as proceeds of various DDBFs and DBPFs. On the basis of the forged credit advices the entries standing in the books of Indian Overseas Bank, Moga, Branch had been eliminated. This modus-operandi of sending cheques for clearance through Indian Overseas Bank, Ludhiana was adopted by S.P.Bhatia accused to give credit to the accounts of various account holders whose Foreign

Exchange Instruments have been stolen by him and for balancing inter branch transaction to avoid detection of this fraud. S.P.Bhatia accused had shown favour to Balwant singh accused whose accounts were utilized by him in affording credit of Indian rupee equivalent of Foreign Exchange Instruments through various cheques obtained from him as mentioned above by sanctioning and disbursing a dairy loan of ₹2800/- on 5.11.1985 vide loan account No.3/85 for ₹2800/-.

There was no misappropriation of funds/money of the account holder. However, Bank had been cheated in respect of Foreign Exchange to the extent of amount of Foreign Exchange of various instruments mentioned against each instrument in Annexure A. S.P.Bhatia accused by abusing his official position as a public servant in criminal conspiracy with Balwant Singh accused cheated Indian Overseas Bank of the Foreign Exchange in respect of Foreign Exchange Instruments mentioned in column No.2 in Annexure-A and committed the offences punishable under Sections 120-B read with Sections 420/468/381/467/477-A and 5(1)(d) of the Prevention of Corruption Act, 1947. S.P.Bhatia-accused had been dismissed from Bank Service w.e.f. 12.07.1988 and as such, no sanction for prosecution from the competent authority, as required under Prevention of Corruption Act, 1947, is necessary. After necessary investigation, challan was presented against accused-appellants.

On presentation of challan against accused-appellants, copies of challan and other documents were supplied to them under Section 207 Cr.P.C. Finding prima facie case, the accused-appellant

S.P.Bhatia was charge-sheeted for the offences punishable under Sections 120-B, 420, 409, 468, 471, 477-A, 381 IPC and under Sections 5 (1) (c) and 5 (1) (d) punishable under Section 5 (2) of the Prevention of Corruption Act, 1947, whereas accused-appellant Balwant Singh was charge-sheeted under Sections 120-B and 420 IPC, to which they pleaded not guilty and claimed trial.

In support of its case, prosecution examined PW-1 Kewal Krishan, who was posted as Clerk Indian Overseas Bank in the year 1985 and 1986. PW-2 Baljinder Singh also remained posted as Shroff-cum-Godown Keeper in the Indian Overseas Bank from the year 1979 to 2000 and deposed regarding entries. PW-3 J.K.Malhotra, remained posted as Officer in Indian Overseas Bank during the year 1987 and 1988 and deposed regarding handing over of some documents. PW-4 Satpal Gupta, who was posted as Clerk in Indian Overseas Bank in the year 1985-1986 deposed that during his tenure, he had worked on the seat dealing in foreign exchange. The entries Ex.PW4/1 bearing S.No.115 at page 99 in DBPF register Ex.P4 and the entry Ex.PW4/2 at S.No.120 in DBPF register Ex.P5 are in his handwriting. PW-5 Ashwani Kumar Goel also remained posted as Clerk in Indian Overseas Bank in the year 1985. He also deposed regarding entries made in his hand. He also deposed that entry in DBPF register at S.No.81 at page 88 is in the hand of S.P.Bhatia, who was working as Manager in Indian Overseas Bank and he (witness) was working with him and conversant with his signatures. He also deposed regarding so many entries which were in the hand of S.P.Bhatia. He further deposed that payment vouchers were prepared by him (witness). PW-6 S.R.Khinchi, who was posted as Asstt. Manager, Indian Overseas Bank, Ludhiana, deposed that he handed over Demand Bill Purchase register to CBI. PW-7 Ashok Kumar Chugh was also Asstt. Manager in Indian Overseas Bank, Main Branch, Ludhiana and was dealing Foreign Exchange department during the year 1985-1987. He deposed that his branch has been receiving the foreign instruments for collection from other branches including Moga as they were not authorized to deal with foreign instruments. They had been receiving foreign instruments from other branches. Thereafter, they send the foreign instruments along with forwarding memo to the concerned foreign country and after receiving the payment from foreign country, they had been making reimbursement to the concerned Bank through credit advice along with the schedule. This witness also deposed that the credit advice Ex.PW7/1 bears his signatures and credit advice dated 10.09.85 Mark PW7/A does not bear his signatures and same appeared to have been forged by someone. He further deposed regarding so many credit advices which do not bear his handwriting and signatures and are forged one. He also deposed that corresponding entry is made at the time of sending credit advice in DBPFR register Ex.PW6/2. The corresponding entry with regard to entry advice Mark PW7/A to PW7/D has been reflected in the register and the corresponding number of entry in the register has not been mentioned in the credit advice Mark PW7/A to PW7/D. PW-8 O.P.Vij has deposed that he was posted as Asstt. Manager in Indian Overseas Bank, Ludhiana during the year 1985. The credit schedule dated 22.10.1985 Ex.PW8/1 bears his signatures. The addition and alteration with regard to ODBX No.652 has been done later on. The letter 'F' and five have been overwritten later on, on digit 6 and 2 respectively. The addition and alteration has been made later on and the same have not been authenticated by him. He further deposed that on the basis of voucher, schedule is prepared. PW-9 Ramesh Kashyap remained posted as Officiating Officer in Indian Overseas Bank, Ludhiana in the year 1985. He deposed that credit advices dated 23.09.1985 Ex.PW9/1 and Ex.PW9/2 bear his signatures. PW-10 K.S.Sandhu, who remained posted as Accountant in Indian Overseas Bank, Moga from December 1983 to January 1988, deposed regarding seizure memo etc. He further deposed that entry Ex.PW1/1 and Ex.PW1/4 in the OBDF register bear the initials of S.P.Bhatia. He also deposed regarding debit vouchers, credit vouchers in the handwriting and initials of S.P.Bhatia. He further deposed that entries at page 23 Ex.PW1/2 and Ex.PW1/5 in cheque purchase register Ex.P2 were eliminated under the initials of S.P.Bhatia. He further deposed that there is no entry with regard to despatch of instrument mentioned Ex.PW11/6 in the despatch register Ex.P3. He also stated that in the despatch register Ex.P3 at page 185, entry Ex.PW1/9 has been inserted later on. Again said, there is an insertion of C.P.62 in the entry later on and this insertion is in the handwriting of S.P.Bhatia. PW-11 Major Singh Mehmi remained posted as Asstt. Manager, Indian Overseas Bank, Ludhiana from 1983 to 1988. This witness also deposed regarding advices which were meant for Indian Overseas Bank, Moga, which pertain to transaction of Indian currency and further deposed that the credit schedule dated 14.06.1985 Ex.PW11/14 bear his forged signatures. He also deposed that credit schedule dated 23.09.1985 Ex.PW11/15 bears forged signatures of Udham Singh Verma, credit schedule dated 23.09.1985 Ex.PW11/16 and credit schedule dated 11.10.1985 Ex.PW11/17 bear his forged signatures. He further deposed that credit schedule dated 11.10.1985 Ex.PW11/18 also does not bear his signatures. These credit schedules pertain to foreign exchange. He also deposed that he had not worked in the foreign exchange during that period. Credit advice Ex.PW11/19 also bear his forged signatures. He further deposed regarding so many documents which are having forged signatures of this witness. PW-12 Sardool Singh remained posted in Indian Overseas Bank, Moga, who deposed regarding handing over of some documents to CBI. PW-13 Udham Singh Verma remained posted as Officer in Indian Overseas Bank, Ludhiana from April 1984 to May 1989. He deposed that Major Singh Mehmi took over the charge of clearing department from him. The office copy of credit advice dated 27.02.1985 Ex.PW11/1 bear his signatures. The office copy of credit advice dated 30.04.1985 Ex.PW11/2 also bear his signatures and these credit advices pertain to Indian currency. This witness also deposed that credit advices PW13/1 to PW13/13, credit advice Ex.PW11/20 and Ex.PW11/25 do not bear his signatures.

These credit advices have not been issued by Indian Overseas Bank, Main Branch, Ludhiana. He has never dealt in foreign exchange department at Indian Overseas Branch, Ludhiana. He also deposed regarding other documents i.e. credit schedule etc., which does not bear his signatures. PW-14 Jagdish Arora mainly deposed regarding some seizure memo. PW-15 Sham Sunder Lal Sharma remained posted as Branch Manager, State Bank of Patiala, Ludhiana during the year 1984-1985. He deposed regarding accounts opened by Balwant Singh and also deposed that as per copy of statement of account Ex.PW14/2, the cheque book containing cheques No.739741 to 739760 was issued to Balwant Singh along with another cheque book containing cheques No.198821 to 198840. As per the stamps on the cheque Mark PW15/A to Mark PW15/Q were received in the bank for clearing and as per entries in the statement of account, all the cheques were cleared for payment. PW-16 N.S.Sud, Dy. Government Examiner Questioned Documents, Shimla deposed regarding comparison of the documents consisted of questioned writing marked in Q series, specimen writing marked in S series and admitted writing in S3. Questioned writing was marked as Q166 to Q170 on Ex.PW10/104 to Ex.PW10/108, Q171 on Ex.PW16/1, Q172 on Ex.PW16/2 etc. After comparison of so many documents as mentioned in his statement and after careful and thorough examination, the witness reached to the conclusion that the person who wrote the blue enclosed writing and signatures stamped and marked S1 to S99 and A1 to A86 also wrote the red enclosed writings and signatures similarly stamped and marked Q166 to Q172, Q174, Q175, Q177 to Q199, Q201 to Q211, Q213 to Q224, Q226 to Q232, Q234 to Q237, Q239 to Q266, Q268 to Q283, Q285 to Q293, Q301 to Q303, Q304 to Q306, Q307, Q309, Q311, Q313, Q315, Q316, Q319, Q322, Q324, Q326, Q327, Q376, Q379, Q382, Q385, Q388, Q391, Q394, Q397, Q400, Q403, Q406, Q409, Q412, Q415, Q418, Q421, Q424, Q432, Q435, Q438, Q441, Q444, Q447, Q450, Q453, Q456, Q459, Q462, Q465, Q468, Q471, Q474, Q477, Q480, Q483, Q486, Q489, Q492, Q495, Q498, Q501, Q504, Q507 and Q510 to Q523.

He further deposed that the person who wrote the blue enclosed signatures stamped and marked S126 to S133 also wrote the red enclosed signatures similarly stamped and marked Q371 to Q373, Q378, Q381, Q384, Q387, Q390, Q393, Q396, Q399, Q402, Q405, Q408, Q411, Q414, Q417, Q420, Q423, Q425, Q429, Q431, Q434, Q437, Q440, Q443, Q446, Q449, Q452, Q455, Q458, Q461, Q464, Q467, Q470, Q473, Q476, Q479, Q482, Q485, Q488, Q491, Q494, Q497, Q500, Q503, Q506 and Q509. This witness also proved his recorded opinion Ex.PW16/64 which are on two sheets and both the sheets bear his signatures. He further deposed regarding opinion which sent to SBI and also deposed regarding the signatures of Santokh Singh, the then Government Examiner Questioned Documents, who had independently and separately examined the documents and came to the same conclusion. PW-17 DSP Ashwani Kumar, CBI deposed regarding investigation conducted by him in the present case.

At the close of prosecution evidence, the accused-appellants were examined under Section 313 Cr.P.C. and they denied the correctness of the evidence and pleaded themselves as innocent.

In defence, accused-appellants examined DW-1 Navdeep Gupta, Handwriting and Fingerprint Expert, who mainly deposed that he examined all the cheques as to whether these were written with one ball pen and by same person and reached to the conclusion that four ball pens and inks have been used for signing the signatures of accused Balwant Singh and their nature shows that there is possibility that these might have been taken at the same time. He further opined that the person who signed as Balwant Singh, had not filled the body-writing of the cheques i.e. signatures and body-writing have been written by different person with different ball pen and ink.

The learned trial Court, after appreciation of the evidence, convicted and sentenced the accused-appellants, as stated above.

At the time of arguments, learned counsel for the appellants argued that there is no cogent evidence on record to show that entries were inserted by S.P.Bhatia. There is no evidence collected by the CBI as to whom those foreign exchange instruments have been sold and whether those were sold for premium. Learned counsel for the appellants further argued that there is no loss to the account holders. It is further argued that the cheques were only signed by Balwant Singh and he has not filled the body of the cheques, which were misused by S.P.Bhatia or someone else. Learned counsel for the appellants, therefore, argued that there being merit in both the appeals, the same should be allowed.

On the other hand, learned standing counsel for CBI argued that the prosecution has duly proved its case by brining cogent evidence on record. So many staff members from the Banks have been examined. They have duly proved forgery of so many documents. They have also proved regarding insertions of forged entries in the dispatch register etc. The PWs have also deposed regarding forging of credit advice etc. He further argued that foreign exchange instruments which were deposited by the account holders with the Indian Overseas Bank, Moga, were never been sent by accused S.P.Bhatia to the Main Branch, Ludhiana and he misappropriated those foreign exchange instruments and for misappropriating those instruments, he prepared so many documents including the credit advices etc. to show in the record that these have been received from the Main Branch, Ludhiana regarding foreign instruments. He next argued that in this conspiracy, Balwant Singh has taken part and has opened two accounts at Ludhiana and gave so many cheques of his accounts, which are used for Indian currency transactions and the advices received from Indian Overseas Bank, Ludhiana regarding the cheques and were forged to show that these were credit advices for foreign exchange instruments. Learned standing counsel for CBI, therefore, argued that there being no merit in both the appeals, the same should be dismissed.

I have heard learned counsel for the appellant as well as learned standing counsel for CBI and have gone through the record carefully and minutely.

I do not find any merit in the arguments of learned counsel for the appellants. In no way, it can be held that there is no evidence that entries were not inserted by S.P.Bhatia. The forged entries are duly proved by the prosecution by bringing so many witnesses and the record of the Bank in the Court. The prosecution has duly proved the comparison of these entries and all the standard and admitted signatures and PW-16 N.S.Sud, Government Examiner Questioned Documents has duly proved that forged entries were made by S.P.Bhatia. So many witnesses i.e. officials of the Banks of Moga and Ludhiana have proved that so many documents were forged and so many credit schedule entries in the register/vouchers, which have been got compared from the Government Examiners Questioned Documents and they have given the opinion that these are in the hand of one person, so in no way, it can be held that no cogent evidence has been produced by the prosecution to prove the forgery of the documents. The prosecution has duly proved regarding depositing of foreign exchange instruments with the Bank, which is stated to have been sent to the Main Branch, Ludhiana but actually these were not sent there nor were received by the Main Branch nor these instruments were got encashed by sending it to foreign banks. Therefore, these foreign exchange instruments have been misappropriated by S.P.Bhatia, the then Manager of Indian Overseas Bank for his own use and gain. Though the amount in the Indian currency has been deposited in the accounts of account holders and there was no loss to them, even then the Bank has been put to loss and it could not get the foreign exchange as the foreign exchange instruments were misappropriated by S.P.Bhatia. Even if it is true that the CBI has not collected the evidence that these foreign exchange instruments were sold by accused S.P.Bhatia for premium, even then the prosecution has duly proved its case by leading cogent evidence that these instruments were misappropriated by accused S.P.Bhatia and definitely for gain, otherwise he need not to prepare so many false and forged documents to conceal his misdeeds. PWs have also duly proved that Balwant Singh opened two accounts at Ludhiana and two cheque books have been issued, which were duly signed by Balwant Singh even as per DW-1. These cheque books in conspiracy with Balwant Singh have been misused by S.P.Bhatia for getting credit advices from Ludhiana Branch and to complete its record by forging those credit advices to show that these credit advices are for the foreign exchange instruments. The conspiracy of Balwant Singh with S.P.Bhatia has been duly proved by the prosecution by leading cogent evidence. The prosecution has duly proved its case by leading cogent evidence. No reasonable doubt exists in the prosecution version. In no way, it can be held that a false case has been planted upon the accused-appellants. The criminal conspiracy has also been duly proved.

In view of the above discussion, I find that the judgment of conviction and order of sentence dated 31.07.2003 passed by learned Special Judge, CBI Punjab, Patiala are correct and as per law and do not require any interference from this Court and the same are upheld.

Therefore, finding no merit in both the appeals, the same are dismissed.

Since appellants S.P.Bhatia and Balwant Singh are on bail, their bail bonds stand annulled and they are directed to surrender themselves before the jail authorities immediately for completing remainder of sentence, failing which the concerned authority shall proceed against them in accordance with law.

January 07, 2015 **(INDERJIT SINGH)**
Vgulati **JUDGE**