

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-563 of 2015

DATE OF DECISION: 23.01.2015

Kaushal Khjuria

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present:- Mr. D.S. Pheruman, Advocate
for the petitioner.

Mr. Rajesh Mehta, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to petitioner in case FIR No. 20 dated 16.12.2014 registered under Sections 13(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and Sections 409, 420, 467, 468, 471 read with Section 120-B IPC at Police Station Vigilance Bureau, Amritsar.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he has no role to play in the alleged offence in any manner and the loanees were duly identified by Lambardar of the village. The mortgage deed was also attested by the witnesses and the relevant documents were not only attested but were also registered and their could not any connivance of the present petitioner

being Bank Manager. Learned counsel further contends that co-accused of the petitioner, namely, Uday Singh has approached this Court by way of filing Crl. Misc. No. M-939 of 2015, wherein, notice of motion has been issued and interim protection has also been granted.

Learned counsel for the respondent-State submits that it is not a case of simple disbursement of loan as specific allegations are there against the present petitioner. The petitioner in connivance with other accused has prepared false/bogus mortgage deed by showing the loanee to be the owner of the land, whereas, there was no land in their name and loan of ₹ 82 lacs was released. Learned State counsel further submits that a detailed inquiry was also conducted, wherein, it was found that all the accused in conspiracy with each other played active role and amount of loan was released.

Heard the argument advanced by learned counsel for the petitioner as well as learned State counsel and have also gone through the contents of the FIR.

The petitioner has prayed for grant of anticipatory bail on the ground that the loan was sanctioned and mortgage deed was prepared and being manager of the bank he was to release the amount to the loanees. All the documents were prepared after verification by Patwari as well as Lambardar. As per allegations in the FIR, the case was registered against accused-persons on the basis of inquiry conducted by DSP Vigilance Bureau Unit Pathankot. It was found in the inquiry that the loanees were not members of the society, whereas, they have projected themselves to be the members of the society. A sum of ₹ 82 lacs was sanctioned to Parshotam Lal, Jasbir Singh, Amandeep Singh, Jarnail Singh, Rajpal Singh, Ashok Kumar, Satpal, Paramjit Singh, Salwinder Singh, Mohan Singh, Harbhajan Lal, Niranjana Singh, Sohan Singh and Ram Singh on the

basis of forged revenue documents. It was also found in the inquiry that the borrowers were neither members of the cooperative society nor owner of the land regarding which mortgage deeds were executed in favour of the Bank. The allegations levelled are there that the loan was sanctioned on the basis of forged documents in connivance with the Bank Manager, who is present petitioner.

Keeping in view the seriousness of the offence and the allegations levelled against the present petitioner, no ground is made out to grant bail to the petitioner and the petition being devoid of any merit is hereby dismissed.

January 23, 2015
pooja

(DAYA CHAUDHARY)
JUDGE