

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

**Crl. Misc. No. M-7890 of 2015(O&M)
Date of decision : 24.04.2015**

Vinod Kumar

..... Petitioner

versus

State of Punjab

... Respondent

With

Crl. Misc. No. M-8349 of 2015(O&M)

Dara Singh

..... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Shekhar Verma, Advocate
for the petitioner Vinod Kumar.**

**Mr. Mandeep Sachdeva, Advocate
for petitioner Dara Singh.**

**Mr. V.P.S. Sidhu, AAG Punjab.

ANITA CHAUDHRY, J.

These are two petitions filed under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.20 dated 13.02.2015, registered under Sections 420, 465, 467, 468, 471 and 120-B IPC at Police Station Ferozepur Cantt., District Ferozepur.

I propose to deal with the applications together as they arise out of the same FIR.

The factual matrix first. Amritbir Singh owns land in village Palla Megha. He wanted to sell his land and contacted some dealers.

Thereafter, he was told that the land could not be sold as some of the killa numbers were hypothecated with the bank. The complainant approached the Patwari and obtained copies of jamabandies and came to know that his land had been hypothecated with HDFC Bank, Faridkot for a sum of Rs.16.5 lacs. The person who had mortgaged the property has given his name as Amritbir Singh son of Avtar Singh son of Jeon Singh and identity card was also available. The person had put his signatures in Punjabi. The complainant alleged that he used to sign in English and bank had committed fraud upon him and enquiry should be made. It took several months for the police to register the FIR. The complaint was given in the previous year, but FIR was registered on 13.02.2015 and the facts which emerged were that one Jaswant Singh had impersonated as Amritbir Singh and Jaswant Singh was identified by Dara Singh, Numberdar. It was Vinod, a bank official of HDFC, who had assisted in preparation of the papers. After the property was mortgaged, the loan application was allowed and the amount of Rs.16.5 lacs was transferred which had been withdrawn by Jaswant and he was absconding. It was also found out that one Anil was present before the Tehsil.

The submissions on behalf of the both the petitioners is that they are not the beneficiaries and petitioner Dara Singh had only identified Jaswant Singh and the bank had been cheated, who were not asking for any recovery and it was the bank who had cheated the complainant and no recovery is to be effected from the petitioners. Additionally, it was urged that Vinod used to visit branch of HDFC, but now he was working with ING Vyasa bank. Reliance was sought from

Md. Ibrahim & Ors. Vs. State of Bihar & Anr. 2010(2) Crl. L.J. 2223.

Both the petitions have been opposed by the State counsel.

It was urged that without the identification of the Numberdar it would not have been possible for Jaswant Singh to impersonate Amritbir Singh and he and Vinod had conspired and had assisted the main accused in obtaining the loan and had used his contacts. It was urged that Numberdar had helped in preparing the revenue record and custodial interrogation is necessary. State counsel further informs that a CD was collected from the bank which shows that Dara Singh was asking the bank officials as to when loan application would mature and Vinod is accomplice in the entire fraud.

The allegations against both the petitioners are serious. Their custodial interrogation is necessary. In a case like this, effective interrogation of the petitioners would be of tremendous advantage in eliciting information and material. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail. The present case cannot be said to be of false implication. I do not think that the petitioners are entitled to the discretionary relief of anticipatory bail.

The petitions are dismissed.

April 24, 2015
Jiten

(ANITA CHAUDHRY)
JUDGE