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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.30873 of 2016 AND
CRM No.36317 of 2016 IN/AND
CRM-M-15505 of 2016 (O&M)
Date of decision: November 28, 2016

Vikram Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. J.S. Grewal, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. AG Punjab.

Mr. Kulbhushan Raheja, Advocate for the respondent.

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A.B. CHAUDHARI, J (Oral)

CRM No.30873 of 2016

Heard.

Application is allowed and Annexures R-1 and R-2 are taken on record.

CRM No.36317 of 2016

Heard.

Application is allowed and Annexures P-6 (colly) and P-7 are taken on record.

CRM-M-15505 of 2016

This is a petition for grant of anticipatory bail in FIR No.34 dated 05.02.2016, under Sections 408, 420, 465, 468, 471, 120-

B of Indian Penal Code, 1860, registered at Police Station City-1 Abohar, District Fazilka.

The allegations against the petitioner are that the petitioner acting as Customer Care Officer of Ujjiwan Financial Services Limited, had shown that the loans worth lacs of rupees were given from that Company to the customers, when as a matter of fact, he himself having obtaining the loan on their names, misappropriated the aforesaid amounts by forging their signatures on various papers. The trial Court recorded the following reasons for rejecting his application:-

> *"7. This Court after considering the submissions advanced on behalf of both the parties, finds no merit in the present application. The allegations levelled against the applicant-accused are that the applicant-accused has misappropriated the loan amount sanctioned in favour of various persons after forging their signatures on various papers. These facts as well as the other allegations against the applicant-accused can only be investigated after custodial interrogation of applicant-accused. Even otherwise, the amount involved is huge amount and in case the concession of anticipatory bail is granted to the applicant-accused, it shall hamper the investigation."*

In the present petition, the counsel for the petitioner argued that the petitioner had, in fact, disbursed the loan to the customers and therefore, the allegations are not correct. On his arguments, the order dated 20.10.2016 was made by this Court, which reads thus:-

"Learned counsel for the petitioner states that the loans were in fact disbursed in the clients of the company.

The counsel for the petitioner would produce all these clients numbering 47 by filing their affidavits, to be sworn before the Registry of this Court that they have received the loan amount.

If the affidavits of those 47 clients are not filed by the petitioner till 16.11.2016, the interim order made by this Court shall stands recalled automatically and the police will be free to arrest the petitioner.

Put up for compliance on 17.11.2016.

Interim order to continue."

After 20.10.2016, the petitioner was given a chance to comply with the said order on 17.11.2016 and thereafter, again on 18.11.2016 with a warning that the matter would be disposed of finally and no adjournment will be granted. The petitioner has filed affidavits of 12 persons on record that they received the loan amount from the petitioner. The affidavits are sworn before the Notary Public and the identification is not made by the Advocate on the affidavits but some other person. It is difficult to rely on those affidavits as there is no identification by any Advocate on the sworn before the Notary Public.

Assuming that the affidavits are correct, the fact remains that out of 47 customers as stated by the prosecution, only 12 affidavits have been filed and so far as the remaining customers are concerned, the petitioner has not filed any affidavit in compliance to the order dated 20.10.2016 passed by this Court. The counsel for the petitioner has, however, tendered before this Court today, in Court, the application for placing on record the affidavit of the petitioner accompanied by declaration signed by 12-15 persons to show that those persons had also received the loan amount on disbursement. The said affidavit has been taken on record.

I have perused the same along with affidavit of the father of the petitioner.

It is not possible to place reliance on the affidavit of the petitioner as well as declaration coupled with the said application as the order was to file affidavits of all the 47 customers. Prima-facie, the petitioner has indulged into a fraud extending lacs of rupees by which the customers as well as the Company were duped. Hence, no relief for grant of anticipatory bail can be given to a person indulging in economic offences.

In that view of the matter, the petition stands dismissed.

(A.B. CHAUDHARI)
JUDGE

November 28, 2016
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No