

CRM No.M-29255 of 2016
CRM No.M-32703 of 2016

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 202

CRM No.M-29255 of 2016
Date of decision: November 17, 2016

Kulwinder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

2.

CRM No.M-32703 of 2016

Arwinder Kaur

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rajinder Singla, Advocate, Advocate,
for the petitioner in both petitions.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. H.S. Baath, Advocate, for the complainant.

JASPAL SINGH, J.

This judgment shall dispose of two petitions viz. CRM-M-29255 of 2016 & CRM-M-32703 of 2016, as they involved similar facts and questions of law and have arisen out of the same FIR No.57, dated July

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07, 2016, under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station City-2, Mansa, District Mansa (Annexure P-1).

2. The petitioners have sought the relief of pre-arrest bail in the aforementioned FIR.

3. The instant FIR has been registered on the statement of Roop Singh S/o Mithu Singh r/o village Daliyewali, Tehsil and District Mansa on the allegations that his father Mithu Singh raised a loan of Rs.3 lacs in respect of Bore Machine from The Mansa Primary Co-operative Agriculture Development Bank Limited, Mansa in the year 1998. Due to non-deposit of loan, a sale notice dated June 09, 2014 had been sent by the officer. On the basis of this notice, Manager Kulwinder Singh (petitioner in CRM-M-29255 of 2016) made an announcement on July 01, 2014 in respect of land of Mithu Singh, measuring 20 kanals lying mortgaged with the Bank at Bannawali Society. Thereafter, complainant in order to save the land of his father got deposited the amount of the loan of Rs.10,68,000/- in the bank with the Manager Kulwinder Singh and Arwinder Kaur, Clerk (petitioner in CRM-M-32703 of 2016), however, no receipt was issued by the Manager. During enquiry, Manager himself made a statement that Roop Singh deposited an amount of Rs.10,68,000/- along with interest in the bank loan account of his father Mithu Singh. On the basis of the redemption certificate issued by the Manager upon clearance of the loan of complainant's father, then Revenue Department made an entry in the roznamcha on June 30, 2014 and the land was redeemed by the Patwari on July 01, 2014.

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4. Learned counsel for the petitioners has stated that petitioners have been falsely implicated in the instant cases and no offence is made against the petitioners. Mithu Singh father of the complainant took a loan of Rs.3 lacs from The Mansa Primary Co-operative Agriculture Development Bank Limited, Mansa against the land measuring 20 kanals situated village Daliyewali, Tehsil & District Mansa. As Mithu Singh could not repay the said amount, the bank officials proceeded to auction the land for getting the outstanding amount.

5. Learned counsel has further stated that nothing is to be recovered from the petitioners. Petitioners are ready to join the investigation and abide by all the terms and conditions imposed upon them in case they are granted the relief of pre-arrest bail.

6. Per-contra, learned State counsel insisted by learned counsel for the complainant has submitted that petitioners have committed serious offence of mis-appropriating the amount. Thus, the present petition deserves to be dismissed.

7. This court has given an anxious thought to the aforesaid submissions made by learned counsel for both the parties and gone through the record available.

8. Petitioners sanctioned a fresh loan of Rs.5 lac in the name of Raj Singh and Mithu Singh under Kisan Credit card and loan of Rs.8 lacs in the name of complainant Roop Singh for new dairy loan. The aforesaid persons had earlier paid loan of amount of Rs.10,68,000/-, but the remaining amount is alleged to have been misappropriated by the petitioners, in regard

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to which, the instant FIR has been registered. The allegations of misappropriation of amount against the petitioners being public servants is a serious offence. In the eventuality of granting relief of pre-arrest bail to the petitioners, there is likelihood of tampering with the record and fleeing from justice. Thus, this court is of the considered view that custodial interrogation of the petitioners is necessary in order to un-earth all the ramifications involved in the instant case.

9. In the light of what has been discussed above, there is no ground to grant the benefit of pre-arrest bail under Section 438 Cr.P.C. Accordingly, both petitions are dismissed.

November 17, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No