

CRM-M-30360 of 2016

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

Sr. No. 102

CRM No.M-30360 of 2016
Date of decision: August 31, 2016

Bhajan Singh @ Harbhajan Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. P.P.S. Duggall, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant petition preferred under Section 438 of the Code of Criminal Procedure, petitioner has sought the pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No. 27, dated February 09, 2016, under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station City Ferozepur, District Ferozepur.

2. Allegation against the petitioner is that he availed a loan to the tune of Rs.20 lacs from the Allahabad Bank on the basis of forged revenue record.

3. Learned counsel for the petitioner has contended that petitioner is innocent and he is a small/marginal farmer. He has been falsely roped in the present FIR. In fact, he has been cheated by Patwari and Revenue officials to the tune of Rs.10 lacs. Patwari and other revenue officials

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approached him and said that there is a policy of State Government relating to the year 2006, whereunder the land owned by the Government is transferred. In other words, the proprietary rights are being given to the persons. Patwari and other revenue officials told him that they will charge an amount of Rs.10 lac, i.e. @ Rs.50,000/- per acre, including the Government fee and allot 20 acres of land to the petitioner. Petitioner arranged an amount of Rs.10 lac by collecting the same from his relatives and by selling gold and handed over it to Patwari and other revenue officials, in lieu whereof, they gave an agreement (Annexure P-1) as a proof of receipt of money and a cheque (Anenxure P-2). Petitioner gave a certified copy of the jamabandi showing the petitioner as owner of 20 acres of land. The petitioner, in good faith, submitted the documents to the bank for obtaining loan. The bank duly verified the documents and a loan of Rs.20 lac was sanctioned to the petitioner. In this way, petitioner has been falsely dragged in the criminal case. Halqua Patwari prepared a forged revenue record i.e. Jamabandi.

4. Learned counsel for the petitioner further submits that the petitioner has already deposited a sum of Rs.9 lac. The case is based upon documents and comparison is yet to be effected qua handwriting. The applicant is ready to abide by all the terms and conditions, if any, imposed upon him, in case, he is granted the concession of interim bail.

5. This court has given a deep thought to the aforesaid submissions made by learned counsel for the petitioner and gone through the record available.

6. Petitioner knew that he is not the owner of the land, even then,

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he availed a loan of Rs.20 lac on the basis of a forged jamabandi, allegedly prepared by the Halqua Patwari. Allegations levelled against the petitioner are serious and grave. The amount involved runs into lacs. The matter is still at investigation stage and the custodial interrogation of the petitioner is necessary to unearth all the ramifications involved in the matter. Thus, this court is of the considered view that petitioner does not deserve the concession of anticipatory bail.

7. Dismissed.

August 31, 2016

Avin/Ankur

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No