

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

**CRM No. M-36620 of 2016 (O&M)
DECIDED ON: DECEMBER 05, 2016**

SANDEEP

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE JUSTICE JASPAL SINGH

Present: Mr. J.P. Dhull, Advocate
for the petitioner.

Mr. Harpreet Kaur, AAG, Haryana with
Mr. Tarun Kataria, Bank Managar.

Mr. Ankit Aggarwal, Advocate
for the complainant.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C.,
petitioner has sought pre-arrest bail in case FIR No. 490, dated 02.08.2016,
under Sections 467, 468, 471, 420 and 120-B IPC registered at Police Station
Assandh, Karnal, Haryana.

Instant case has been registered on the basis of complaint lodged by Sandeep Singh son of Bir Singh resident of Village Rahara, Tehsil and Police Station Assandh, District Karnal, who has unfolded that as per Jamabandi for the year 2012-2013, he alongwith his brothers namely, Kuldeep and Pardeep, are owners in possession of land, comprised in Khewat No. 35, situated at village Rahara, Tehsil Assandh, District Karnal. A necessity arose to him for obtaining loan and for that purpose he got the Jamabandi from Computer Clerk of Tehsil Assandh. On perusal thereof, it came into light that the names of his brothers from the said jamabandi were missing and against their names, the names of Amit, Kuldeep and Sandeep were found mention as owners to the extent of $\frac{1}{4}$ share each in three equal shares of their land. It further revealed that on the basis of aforesaid false and forged jamabandi, Amit and Sandeep had procured a loan to the tune of ₹20,00,000/- each from Corporation Bank, Pundri. When the matter was enquired into from Halqa Patwari it emerged that assistant of Patwari in connivance with Sandeep, Amit and Kuldeep had forged and fabricated the revenue record and further they in connivance with the bank officials and Ajmer Singh Nambardar had obtained the loan in a wrongful manner.

The contention of learned counsel for the petitioner is that petitioner did not obtain any financial assistance from the Corporation Bank, Pundri, as has been alleged by the prosecution. Rather, he himself is a victim. He has nothing to do with any kind of loan transaction. He was also not beneficiary of the loan amount. The loan, if any, was taken by his co-accused. The loan

amount has already been deposited by the Manager after collecting the same from his relatives and friends. Even, the petitioner is an agriculturist by profession and has approached the Bank Manager of State Bank of Patiala with relevant documents for the purpose of obtaining agriculture loan and in this connection he met Sandeep son of Nathu Ram in the Bank who had assured that he would get the loan sanctioned to him from the Corporation Bank on easy terms. On the assurance given by afore-said Sandeep, he handed over the requisite documents to him. It was only in pursuance thereof, petitioner was called in the bank on May 13, 2016 by Sandeep son of Nathu Ram, who obtained his signatures on certain documents pertaining to the sanctioning of loan. Though the said Sandeep obtained his signatures but the loan was not disbursed to him.

Learned counsel for the petitioner further contends that the petitioner is ready to join the investigation and abide by all the terms and conditions imposed by this Court in case he is granted the concession of pre-arrest bail.

On the other hand, learned State counsel has strongly resisted the instant petition submitting that the petitioner is one of the persons who are indulging in committing not only the economic offences but also defrauding the innocent people. He forged and fabricated the revenue record and by obtaining the copy of jamabandi showing his ownership in the land, which otherwise belongs to the complainant and his brothers, took a loan to the tune of ₹20,00,000/-. Similarly, his brother Amit also obtained a financial assistance to the tune of ₹20,00,000/- by mortgaging the land of the complainant. Thus,

custodial interrogation of the petitioner is required to unearth all the ramifications involved in this matter. He would certainly bring for the real picture. He is one of the main culprits, who are indulging in forging and fabricating the documents and are committing embezzlement of the public money.

This Court has given an anxious thought to the rival submissions made by learned counsel for the parties and have perused the record available on file.

From the various contentions raised by learned counsel for the parties, it emerges that forged and fabricated documents were handed over to the bank officials by the petitioner, on the basis of which not only the petitioner but his brother Amit also succeeded in obtaining the loan to the tune of ₹20,00,000/- each. The amount was disbursed and transmitted into their accounts. Though, it has been alleged by the petitioner that the amount was not disbursed to him by the bank officials but this fact is against the documents on record. Rather, it appears that petitioner in connivance with the Bank Manager, its officials and the revenue officials is indulging in forging and fabricating the revenue records, on the basis of which, public money is being siphoned by them in connivance with each other. No doubt, the Bank Manager has deposited the amount of ₹20,00,000/- but it is not going to wash away completely the offence committed by him as well as present petitioner, in connivance with each other. The amount has been deposited by him just to save his skin as well as his service.

Thus, this Court is of the considered view that custodial interrogation of the petitioner is required for culling out all the ramifications involved in this matter and in the absence of custodial interrogation, investigation of this case is likely to be stultified.

Accordingly, instant petition is dismissed.

DECEMBER 05, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*