

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

CRM-M-585-2016 (O&M)

Date of decision: February 11, 2016

Gulzar Singh

...Petitioner

Versus

State of Punjab & another

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. V.K. Jindal, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. Advocate General, Punjab.

Mr. G.S. Sidhu, Advocate for respondent No.2.

**Rajan Gupta, J.**

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 420/120-B IPC at Police Station City Batala, District Gurdaspur, vide FIR No.205 dated 18.12.2014.

Learned counsel for the petitioner submits that petitioner has nothing to do with the alleged offence and he has been implicated falsely in the present case. He submits that on account of accident, petitioner remained under treatment for nine months and due to slump in business, he could not make payment of installments of loan. Offence under section 420 IPC is not made out against him.

Prayer has been opposed by learned State counsel as well as counsel for respondent No.2 bank on the ground that allegations against the petitioner are serious and thus, he does not deserve the concession of

pre-arrest bail. They have filed their respective replies in court, which are taken on record. They submit that petitioner alongwith his wife Ranjit Kaur has committed a fraud of Rs.115.90 lacs with Punjab and Sind Bank, Batala as two properties mortgaged on 18.6.2011 with the bank by the petitioner for self and being General Power of Attorney Holder of Smt. Harpal Kaur were sold. The offence being very serious, petitioner is not entitled to concession of pre-arrest bail, thus, his custodial interrogation is necessary.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged on the complaint made by Zonal Manager, Punjab and Sind Bank, Gurdaspur alleging that petitioner and his wife Ranjit Kaur being partners of M.K. Tractors, Gurdaspur were granted CC Limit/Letter of Credit facility of Rs.1,20,00,000/- by Punjab and Sind Bank, Batala on 18.6.2011. Petitioner for self and being General Power of Attorney of Smt. Harpal Kaur wife of Dharvinder Singh created equitable mortgage of two residential plots. They did not pay installments and the loan and their accounts became irregular. On inspection of revenue record by the bank officials, it revealed that both the properties were sold to Smt. Ranjit Kaur wife of the petitioner vide two sale deeds dated 20.6.2012. Thereafter, Ranjit Kaur further sold one plot to Ranjit Kaur wife of Tarjinder Pal Singh on 24.01.2013 and she also mortgaged the second plot with Oriental Bank of Commerce, Batala against loan of Rs.50.00 lacs.

In view of the nature of allegations against the petitioner, I

am of the considered view that he is not entitled to discretionary relief of pre-arrest bail. He alongwith his wife Ranjit Kaur is alleged to have cheated the bank of a huge amount of Rs.1,15,92,363/-by selling the mortgaged properties. This is stated to be the amount at the time complaint was made. Under the circumstances, no case for anticipatory bail is made out.

Dismissed.

**(RAJAN GUPTA)**  
**JUDGE**

February 11, 2016  
'Rajpal'