

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

(223)

CRM-M-7882-2016

Decided on: December 13, 2016.

Sanjeev Kumar @ Avtar Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. H.P.S. Kochar, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Mr. Nitin Thatai, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

The petitioner is alleged to have connived with other co-accused Rohit Mahajan etc. who hatched a criminal conspiracy and got loans disbursed to fictitious customers on the basis of the forged documents. So far as the petitioner is concerned, he is alleged to have impersonated as Avtar Singh who facilitated grant of loan to 15 non-existent loanees by submitting their forged salary slip, IDs and residential proofs.

Learned counsel for the complainant has intervened to oppose application for bail on the ground that this Court has earlier dismissed the application of Kewal Singh on 25.07.2016 and that the petitioner is likely to tamper with the evidence.

On asking of the Court, it has been informed that statement of the complainant has already been recorded but cross-examination is being

conducted for the last two dates of hearing. It has also been submitted that on account of Kewal Singh having been declined concession of bail, the petitioner should also be denied the said relief.

I have considered all the facts and circumstances of the case.

The petitioner has remained in custody for a period of about 15 months and only four prosecution witnesses have been examined till date. Chances of trial being concluded in near future being remote, the petitioner can be granted the concession of bail.

So far as contention of counsel for the complainant that Kewal Singh co-accused of the petitioner having been denied concession of pre-arrest bail, the petitioner, on the principle of parity, also requires to be dealt with in the same manner, is concerned, it can be observed that bail application of Kewal Singh was decided on 25.07.2016. Moreover, his application was not decided on merits but disposed of as withdrawn without prejudice to the right of the said petitioner to approach this Court again after examination of some more witnesses. Withdrawal of the application by Kewal Singh will not affect the adjudication of the bail application of the present petitioner.

Learned counsel for the complainant has raised another apprehension that the petitioner is likely to tamper with the evidence. The said apprehension appears to be misconceived as the witnesses belong to the complainant Bank itself. It cannot be apprehended at this stage that the witnesses will be pressurized by the petitioner.

The petition is allowed. Petitioner Sanjeev Kumar @ Avtar Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

Another condition is imposed upon the petitioner that on being released on bail, he will not leave India without the permission of the Court and surrender his passport before the trial Court. In case, he does not possess any passport, he would be required to furnish an affidavit to that effect.

In case, the petitioner indulges in making any inducement, threat or pressure to any person acquainted with the facts of the case, directly or indirectly, it will be open to the complainant to approach this Court for cancellation of the bail.

(M.M.S. BEDI)
JUDGE

December 13, 2016
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No