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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

DECIDED ON : 17th FEBRUARY, 2016

+ **BAIL APPLN. 2428/2014**

KARAMVIR SINGH

..... Petitioner

Through : Mr.Anup Banerjee, Advocate with
Mr.Krishan Kumar & Mr.Naved,
Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through : Mr.Raghuvinder Varma, APP.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.Garg, J. (Oral)

1. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.221/2008 registered under Sections 406/420/467/468/471/120B IPC at PS Economic Offence Wing. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. Undisputedly, the petitioner obtained auto loan financed by M/s. Tata Finance Ltd. It is alleged that the petitioner and his

associates – Jagdev Singh, Jagvinder Singh, Dharmender Pandey, Pramod Kumar, Swaran Kumar and Azad Singh working in syndicate approached M/s. Tata Finance Ltd. for obtaining auto loans. One of the individuals used to stand surety for the other. After availing loans, they used to run vehicles on different numbers which were never allotted to them by the RTO. It is alleged that during investigation, fifteen original loan files were collected from the complainant and it revealed that the petitioner had availed two loans to the tune of ₹9.10 lacs each from M/s. Tata Finance Ltd. for purchasing two heavy vehicles. On verification of the documents submitted by the petitioner, it was found that he had forged the copy of the electricity bill in both loans files bearing contract No.727519 & 727520. It was further found that the petitioner had forged copy of insurance cover notes 692310, 692311, 692393 & 692394 purportedly issued by Oriental Insurance Company Ltd. Status report reveals that both the loans availed by the petitioner were guaranteed by accused Jagvinder Singh who also filed forged documents i.e. copies of insurance cover, ration card and electricity bill. It also reveals that Jagvinder Singh was a non-existing entity and it was created by one Narender Singh @ Ramlu who has since been arrested on 01.07.2014. Charge-sheet against him has been filed in the Trial Court. He has been admitted to bail vide order dated

22.12.2014 by the Trial Court on payment of ₹5 lacs to the complainant. Jagvinder Singh @ Narender Singh @ Ramlu also stood guarantor in other five loans including petitioner's loan. Status report further shows that charge-sheets against accused Jagdev Singh and Jagvinder Singh @ Narender Singh @ Ramlu have been filed. Azad Singh has been arrested on 10.12.2014 and is in judicial custody. Proceedings under Section 82 Cr.P.C. has been initiated against other accused Dharmender Pandey and Pramod Kumar and the present petitioner.

3. During the course of arguments, learned counsel for the petitioner vehemently urged that the two vehicles financed by the company were repossessed by them on 05.04.2005 and he had invested ₹4.50 lacs on various equipments over it. Vide order dated 10.11.2014, the Investigating Officer was directed to verify if the vehicles financed in the name of the petitioner were seized / repossessed by the company. The documents filed on record by the petitioner in this regard were found fabricated and the complainant denied to have seized any such vehicle.

4. The petitioner did not pay any installment subsequent to the availing of the loan any time. He did not approach the company for settlement of his account. Co-accused and his associates either have been arrested or proceedings under Sections 82/83 Cr.P.C. have been initiated

against them. The petitioner has not offered to pay the loan amount. It is informed that the company has initiated execution proceedings to execute the 'award' in its favour. Petitioner did not explain as to why he did not participate in the arbitration proceedings.

5. Considering the facts and circumstances of the case, I find no sufficient ground to grant anticipatory bail to the petitioner and the application is dismissed.

6. Observations in the order shall have no impact on merits of the case.

(S.P.GARG)
JUDGE

FEBRUARY 17, 2016 / tr