

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A No. 917-MA of 2012 (O&M)

Date of Decision: 27.03.2017

State of Haryana

.....Appellant

Vs

Balmukand and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

Mr. Akshay Bhan, Senior Advocate, with
Mr. H.P.S. Sandhu, Advocate,
for respondent No. 1.

Mr. V.S. Rana, Advocate,
for respondent No. 5.

RAJ MOHAN SINGH, J.(Oral)

This is an appeal filed by the State against the judgment dated 25.02.2011, vide which the respondents were acquitted of the charges levelled against them.

The firm M/s Parsannamal Mal Chandgi Ram had availed loan limit from Oriental Bank of Commerce in a sum of ₹ 1,00,000/- (Rupees One Lac only), for which three guarantees were tendered. The allegation of impersonation was made that

one of the guarantor impersonated Ram Chander and put his thumb impression in respect of the land, which was in joint possession of the said Ram Chander with Rajbir. The matter was investigated by the SVB (H), Gurgaon, and the case was registered. Ram Chander, who was partner in the plot with Rajbir to the extent of the half share, had appeared in the witness box and did not allege any complicity on the part of the appellant in respect of commission of any cognizable offence. The prosecution was launched on the basis of enquiry done by the SVB (H), Gurgaon, but the same was not on the basis of any complaint filed by Ram Chander or by any Bank official. The Bank Manager, while appearing as PW-2 also admitted that he knew Rajbir, Ex-Sarpanch, and Savitri, but he did not know Ram Chander and he was identified by Rajbir and Om Parkash. The record of the enquiry did not reveal any complaint filed by Ram Chander before registration of the case.

The Lower Appellate Court found, on the basis of evidence, that the case was registered without there being any complaint by Ram Chander or by any Bank Official and there was no direct evidence of involvement of the appellant.

The findings of acquittal recorded by the Lower Appellate Court cannot be held to be on account of misreading of any evidence on record nor the findings of the Lower

Appellate Court are taken to have been vitiated on account of any perversity.

Dismissed.

CRM-68775-2012:

Since the main appeal is being decided on merits, there is no necessity of passing any order in the application for condonation of delay.

Accordingly the same is also dismissed.

March 27, 2017.

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No