

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

**Crl. Misc. No.M-25687 of 2017 (O&M)
Date of Decision: August 11, 2017**

Kamal Verma

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anil Lambdharia, Advocate with
Mr. G.S. Salana, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Senior D.A.G. Haryana.

Ms. Asha Singh, Advocate for
Mr. Nandan Jindal, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.75 dated 30.06.2017 registered for the offences punishable under Sections 420, 406, 465, 467, 468, 471 read with Section 120-B of Indian Penal Code, at Police Station City Dhuri.

Heard.

The case of the complainant in brief is that he intended to send his daughter Jyotinka to Australia on study visa for which he contacted father of petitioner, who is also friend of complainant. On the

recommendation of father of petitioner, complainant contacted him (petitioner) and the petitioner proposed that he will get the bank loan sanctioned for his daughter. He obtained signatures of complainant and his daughter on certain documents and ₹2 lakh as expenses for sanctioning of loan. Thereafter, on 03.05.2016, he gave loan sanction letter to the complainant, who sent the same along with other documents to Australia for study visa for his daughter but his request was declined as the loan letter was found to be forged. The complainant then contacted the petitioner, who told him that an amount of ₹25 lakh has been deposited as security in the account of his daughter and letter given to them was not forged. On inquiry from ICICI bank, it transpired that letter supplied by the petitioner was forged. Again the matter was taken up with petitioner, who agreed to return ₹2 lakh taken by him. The police after making inquiry registered the instant FIR.

Learned counsel for the petitioner submits that petitioner has been involved in a false case. He is not in the business of sending any person abroad. He is running a restaurant. He has no role in giving letter of sanction of loan to the petitioner.

Learned State counsel argues that it is a case where the petitioner besides ditching the complainant of ₹2 lakh has also spoiled the career of a girl, who had aspiration to go to Australia on study visa. No one will attach a forged document with letter requesting study visa. There was no reason for the complainant to falsely implicate the petitioner in this case. The police investigation so far has revealed that petitioner supplied the letter of sanction of loan in favour of daughter of petitioner and when they

apprised him of this forgery, he insisted that ₹25 lakh were lying deposited in the account of daughter of petitioner. This is a serious matter which call for thorough investigation for which custodial interrogation of the petitioner is required.

On giving a thoughtful consideration to the respective submissions of learned counsel for the petitioner and learned State counsel, I find that the allegation levelled by the complainant call for thorough investigation. At this stage, there is no reason to disbelieve his statement that the petitioner after receiving ₹2 lakh arranged a loan sanction letter which was found forged. The rejection of visa request due to submission of forged document has serious consequence and is always taken note of in future request made by the concerned individual. As to how this forged sanction letter was procured and what was the motive of the petitioner to supply this forged letter of sanction of loan is an issue which will confront the investigating agency in this case for which custodial interrogation of the petitioner is required. In these circumstances, I do not deem it appropriate to exercise the discretionary power of this Court, to extend the benefit of pre-arrest bail to the petitioner. This petition has no merits.

Dismissed.

August 11, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No