

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

CRM-M-27900-2017

Sunil Kumar @ Shina

..... Petitioner

Versus

State of Punjab

..... Respondent
2.

CRM-M-28254-2017

Parminder Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent
3.

CRM-M-41174-2017

Jaswant Singh @ Kala

..... Petitioner

Versus

State of Punjab

..... Respondent
4.

CRM-M-45545-2017

Gurjant Singh @ Janta

..... Petitioner

Versus

State of Punjab

..... Respondent

5.

CRM-M-27628-2017

Parveen Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of decision :- 14.12.2017

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr. S.S. Bhinder, Advocate
for the petitioner in CRM-M-27900-2017.

Mr.Gaurav Sharma, Advocate
for the petitioner in CRM-M-28254-2017.

Mr.Lakhvinder Singh, Advocate for
Mr.P.S. Dhaliwal, Advocate
for the petitioner in CRM-M-41174-2017.

Mr.L.M. Gulati, Advocate
for the petitioner in CRM-M-45545-2017.

Mr.Anurag Arora, Advocate for
Mr.D.S. Brar, Advocate
for the petitioner in CRM-M-27628-2017.

Mr.Kirat Singh Sidhu, DAG, Punjab.

Mr.H.S. Brar, Advocate
for the complainant.

Mr.Rahul Sharma, Advocate
for AXIS Bank.

H.S. MADAAN, J.

Vide this order, I shall dispose of four petitions for grant of regular bail i.e. **CRM-M-27900-2017** filed by petitioner Sunil Kumar @ Shina, **CRM-M-28254-2017** filed by petitioner Parminder Kaur, **CRM-M-41174-2017** filed by petitioner Jaswant Singh @ Kala and **CRM-M-45545-**

2017 filed by petitioner Gurjant Singh @ Janta and another petition for pre arrest bail i.e. **CRM-M-27628-2017** filed by petitioner Parveen Kumar, all of them being accused in FIR No.97 dated 5.4.2017 for offences under Sections 420, 419, 467, 468, 471, 120-B and 201 IPC registered with Police Station City, Barnala, District Barnala.

Briefly stated, facts of the case as per prosecution story are that FIR in this case was recorded on the basis of statement of complainant Harpreet Singh son of Rajbir Singh, resident of Naiwala, District Barnala, an agriculturist by avocation, who in his statement to the police stated that he has got an elder brother namely Gurpreet Singh, who along with their mother Smt.Amarjit Kaur is residing in America; that he had got issued a copy of jamabandi of their land from the concerned office, then he came to know that his land standing in the name of his mother Smt.Amarjit Kaur to the extent of 125 Kanals 18 Marlas had been mortgaged with AXIS bank for Rs.23,50,000/- and an entry was there in the jamabandi recorded vide report No.214 dated 27.3.2017; that in addition to that vide entry/report bearing No.214 dated 16.3.2017 half of share of land 142/2 measuring 71 Kanals 1 Marla in the name of his brother Gurpreet Singh had been mortgaged for Rs.15 lakhs with Central Bank of India, Branch Barnala, whereas the third limit had been credit with respect to land measuring 71 Kanals 5 Marlas vide report No.238 dated 27.3.2017, that too from AXIS Bank, Branch Barnala for Rs.15 lakhs by Gurpreet Singh son of Rajvir Singh; that in addition to that vide report No.113 land measuring 113 Kanals 0 Marla had been mortgaged with AXIS Bank for Rs.23 lakhs. According to the complainant, when he visited AXIS Bank, Barnala and made enquiries then

he came to know that the documents had been forged and fabricated inasmuch as the photographs thereon were not of Smt.Amarjit Kaur, Gurpreet Singh and the complainant and the addresses given were also wrong. The complainant stated that he had made enquiry at his own level and came to know that a fraud had been committed by Gurjant Singh @ Janta son of Pritam Singh, resident of Naiwala, Kamaljeet Singh son of Balwinder Singh, resident of Belipur, Tehsil Jagraon, Ludhiana, Siri Ram resident of Om City, Barnala, Gurvinder Singh @ Garry son of Avtar Singh, resident of near Kartar Factory, Bhenta Bua and two unknown ladies in connivance with each other and with officials of AXIS Bank and Central Bank of India, Branch Barnala, in that way a fraud of Rs.76,50,000/- had been committed by mortgaging the land of complainant, his brother Gurpreet Singh and mother Smt.Amarjit Kaur.

After registration of the formal FIR on the basis of that statement, the matter was investigated. Accused Parminder Kaur was arrested on 30.4.2017, accused Sunil Kumar @ Shina was arrested on 13.6.2017 and accused Jaswant Singh @ Kala was arrested on 22.6.2017. All the accused had filed applications before Court of Sessions at Barnala but were unsuccessful there, as such they have approached this Court seeking similar relief by filing of the petitions, notices of which have been issued to the respondents, who put in appearance through counsel.

I have heard learned counsel for the petitioners, learned State counsel as well as learned counsel for the complainant besides going through the record and I am of the considered view that all the petitions are doomed for failure. As it comes out from the record that all the accused had

shared common intention and had conspired to play fraud with the complainant side besides cheating them by preparing forged documents and on the basis thereof mortgaging the land of the complainant, his brother and mother for a substantial sum of Rs.76,50,000/-. In pursuance of the conspiracy Kamaljeet Singh had opened a account in the bank in the name of Gurpreet Singh son of Rajbir Singh and in connivance with Gurjant Singh @ Janta and Gurvinder Singh @ Garry had created limits with the bank raising loan of Rs.76 lakhs. Sunil Kumar and Parveen Kumar are stated to have helped them in preparing forged documents. As per the prosecution story accused Kamaljeet Singh has impersonated himself as Gurpreet Singh and Parminder Kaur as Smt.Amarjit Kaur. Accused Jaswant Singh had identified Karamjit Singh as Harpreet Singh and witness Kamaljit Singh as Gurpreet Singh helping the accused in committing fraud.

Although learned counsel for the petitioners while denying the allegations against the accused as per prosecution story have submitted that petitioners have been falsely involved in this case. In addition to that learned counsel for petitioner Jaswant Singh @ Kala has submitted that he had just identified Karamjit Singh as Harpreet Singh and witness Kamaljit Singh as Gurpreet Singh and himself was not beneficiary of the fraud. But that contention does not help him in any manner. Jaswant Singh @ Kala having made wrong identification on the documents helping his co-accused in perpetrating the fraud goes to show that he was hand in glove with them in committing criminal acts.

As regards the contention regarding petitioner Parveen Kumar that he had only helped in preparing fake documents and nothing else, again

the very fact that the allegations as per the prosecution story against him are of preparing forged and fabricated documents, which points out towards his active involvement in the criminal acts.

According to the State counsel, the investigation of the case has revealed that the petitioners are said to be involved in several other criminal cases of the same type.

Keeping in view the seriousness of the allegations and considering the fact that there is a reasonable apprehension of the accused trying to tamper with the prosecution evidence and to abscond even, if released on bail. Further custodial interrogation of the petitioner Parveen Kumar is found to be necessary for complete and necessary investigation. It is well settled that custodial interrogation is more elicitation oriented since a person, who is couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge which would be inculpatory for him. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

It is mentioned here that interim bail had been granted to petitioner Parveen Kumar directing him to join the investigation within five days from the date of passing of order, which was not done and he has failed to comply with the said direction and finding no justification of the lapse concession of interim bail so granted to him was withdrawn.

Finding no merits in the petitions, the same are dismissed.

However, while parting the discussion, the trial Court is

directed to make earnest endeavour for expeditious disposal of the trial preferably within a period of six months by giving short adjournments.

14.12.2017
Brij

(H.S. MADAAN)
JUDGE

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**