

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 31.05.2018
CRM-M-10222-2018 (O&M)

RANJIT SINGH
V/S
STATE OF PUNJAB
.... PETITIONER
.... RESPONDENT

CRM-M-21772-2018

PARAMJIT SINGH
V/S
STATE OF PUNJAB
.... PETITIONER
.... RESPONDENT

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Harsh Aggarwal, Advocate
for the petitioner in CRM-M-10222-2018.

Mr. C.M.Munjal, Advocate
for the petitioner in CRM-M-21772-2018.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. K.S.Sidhu, Advocate and
Mr. Sunil Sihag, Advocate
for the complainant(s).

ARVIND SINGH SANGWAN, J.

CRM-20580-2018 in CRM-M-10222-2018

For the reasons stated in the application, the same is allowed.

Annexures P4 to P17 are taken on record.

CRM-17791-2018 in CRM-M-10222-2018

For the reasons stated in the application, the same is allowed and the
main case is taken up on Board today itself.

CRM-M-10222-2018 & CRM-M-21772-2018

Prayer in these petitions is for grant of anticipatory bail to the
petitioners Ranjit Singh and Paramjit Singh in case FIR No. 11 dated 19.01.2018

under Sections 409/120/465/467/468/471 and 120-B IPC registered at Police Station
Guruharsahai, District Ferozepur.

Brief facts of the case are that many farmers have lodged complaints to SSP Vigilance Bureau, Ferozepur against petitioner Ranjit Singh, Secretary of Jand Wala Jadid and Charri Wala, Co-operative Society and Paramjit Singh, Manager of Central Co-operative Bank, Branch Sohargarh, Rattewala, and one cashier of the bank with the allegations that the complainant/farmers are the members of the society for the last 20 years and they had authorized petitioner Ranjit Singh, Secretary of the Society to purchase fertilizers, medicines and other domestic articles for them. It is further stated that petitioner-Ranjit Singh being a Secretary has obtained the signatures/thumb impression of the farmers on their cheques as they reposed confidence in him. However, he had tampered with the figures of the amount filled in the cheques by increasing the amount and he used to withdraw the same from the back where the petitioner-Paramjit Singh was the Manager. It is further stated in the FIR that by manipulating the revenue record of the farmers and showing the ownership of their land on a higher side, the accused persons also got extended the limit of loan against their agriculture land and in that manner, accused used to withdraw the amount by tampering the figures of amount and have misappropriated and embezzled the loan amount on the basis of tampered cheques and revenue record of the farmers/members of the society. The pass books and cheque books of the members of the society were given to the police and the FIR was registered on their complaint.

Counsel for petitioner-Ranjit Singh has argued that as per the allegations in the FIR, it pertains to last many years and FIR has been registered in 2018. It is further submitted that inquiry is pending before the SP (H.Q) and till the pendency of the inquiry, the arrest of the petitioner be stayed. Counsel for the petitioner further submits that there is no direct allegations against the petitioner that

he has either tampered with the cheque book or revenue record as alleged in the FIR.

It is also submitted that tampered cheque cannot be encashed as per RBI guidelines.

Counsel for Paramjit Singh has also submitted that there is no direct allegation against him as he is only a Manager of the said Bank who remained posted from 2013 to 2017 and in ordinary course, it was the duty of the cashier to encash the cheques which were presented by petitioner-Ranjit Singh.

In reply, the learned State counsel, on instructions from I.O and assisted by learned counsel for the complainant has, however, opposed the grant of anticipatory bail to the petitioners.

It is submitted that more than 250 farmers have given tcomplaints against the petitioners and even in the proceedings initiated before the Arbitrator under the Punjab Co-operative Societies Act, 20 awards have been passed and in all these proceedings, both the petitioners were impleaded as respondents. It is further submitted that as per the award also, it has been found that huge amount is outstanding against the petitioners and thus the petitioners have embezzled the amount.

Learned counsel for the State has further submitted that statement of more than 19 victims/farmers have been recorded and they have supported the prosecution version. It is further submitted that the petitioners have committed fraud/embezzlement of more than Rs.99 lakhs and, thereafter, the custodial investigation of the petitioners is required.

Learned counsel for the complainant has also shown photocopies of some cheques where amount, in figure, by making cutting has been increased and it is submitted that the poor and illetrate farmers who have reposed faith on petitioner-Ranjit Singh have been cheated in the manner as stated in the FIR. It is further submitted that since the Manager and Cashier of Bank have cleared the tampered cheques and increased the loan limit on the basis of forged revenue record, their

active connivance is also proved on record.

After hearing, learned counsel for the parties, I find no merit in the present petitions for grant of anticipatory bail for the following reasons:-

a. During investigation, it has come that the petitioner Ranjit Singh being Secretary of the Society was authorized by the farmers to withdraw the amount against the cheques and he has tampered the documents of ownership/revenue record pertaining to their land and by showing more ownership and he has got the loan limit against their agriculture land extended in connivance with bank official i.e. petitioner- Paramjit Singh.

b. It has also come in the inquiry that even there are cuttings in the cheque books, photocopies of which have been placed on record, wherein, the figure shown in the cheques have been changed and such cheques have been encashed by the bank where petitioner Paramjit Singh is the Manager.

c. It is also the allegation against the petitioners that the amount, through cheques of the members/farmers who have already died, was also withdrawn after their death.

Since, the allegations against the petitioner(s) are serious in nature and there are number of victims/farmers whose hard earned money has been embezzled and there are allegations that the amount of more than Rs.99 lakhs is involved, the custodial interrogation of the petitioners is required, therefore, I find no merit in the present petitions and the same are dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

31.05.2018
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No