

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

**CRM-M-22129-2017**

Date of Decision:08.02.2018

Pratap Raj Srivastav

.....Petitioner

Vs.

State of Haryana

....Respondent

**CRM-M-25638-2017**

Deepak Kumar

.....Petitioner

Vs.

State of Haryana

....Respondent

**CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH**

Present: Mr. Vikas Sharma, Advocate,  
for the petitioner (in CRM-M-22129-2017).

Mr. Gopal Sharma, Advocate,  
for the petitioner (in CRM-M-25638-2017).

Mr. Baljinder Singh Virk, D.A.G., Haryana.

Mr. Anandashwar Gautam, Advocate,  
for the complainant-Bank.

**AMOL RATTAN SINGH, J. (Oral)**

Learned State counsel submits that upon verification it has been determined that the land in question that was mortgaged to the complainant Bank actually exists in the revenue record, in the name of the petitioner in the accompanying petition, i.e. Deepak Kumar, he having purchased it from one Naresh Kumar, who died in the year 2017.

However, as per the statement of Naresh Kumars' wife, made before the investigating officer, her husband had sold that land to the 'owner' of what is known as Gulmohar City, but without any registered sale deed having been executed, and simply on the basis of a power of attorney stated

to have been executed, or some other document of transfer.

She further stated (as per the investigating officer), that the photograph on the registered document showing transfer of the land from Naresh Kumar to Deepak Kumar, is not that of her husband.

The investigating officer is also stated to have obtained the Identity Card of the aforesaid Naresh Kumar, i.e. the real owner of the land in question, the photograph on which is not stated to match that of the person on the registered document.

As regards the petitioner in CRM-M-22129-2017, Partap Raj Srivastava, learned State counsel submits that though he claims to be Pratap Raj Srivastava, his photograph on the registered document, as a witness to the transfer of land to Deepak Kumar, shows the same person to be Paramjit Singh.

Learned counsel for the complainant Bank also submits that the said person posed as Paramjit Singh even as a guarantor for the loan in question, with the photograph matching with that of the person who now claims to be Pratap Raj Srivastava.

It also having been pointed out by learned counsel for the Bank that Deepak Kumar, after obtaining an enhanced credit limit for a specific project, transferred more than half the funds to Pratap Raj Srivastav/Paramjit Singh, I see no reason at all to entertain these petitions, which are consequently dismissed.

However, nothing stated hereinabove will be taken as an observation of this Court on the actual merits of the case for or against the petitioners, (which would be gone into by the investigating agency and the competent court at the appropriate stage), but only in the context of the present petitions seeking anticipatory bail to the petitioners.

A photocopy of this order be placed on the file of the connected case.

**February 08, 2018**

dharamvir/dinesh

**(AMOL RATTAN SINGH)  
JUDGE**

Whether speaking/reasoned : YES/NO  
Whether Reportable : YES/NO