

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

CRM-M No.3340 of 2018
Date of Decision : 14th May, 2018

Chandan Madaan
.....Petitioner
Versus
State of Punjab
.....Respondent

CRM-M No.697 of 2018

Gurmeet Singh
.....Petitioner
Versus
State of Punjab
.....Respondent

CRM-M No.732 of 2018

Palwinder Singh
.....Petitioner
Versus
State of Punjab
.....Respondent

CRM-M Nos.10297, 10302, 10309, 10746 & 11130 of 2018

Vimal Kumar alias Raju
.....Petitioner
Versus
State of Punjab
.....Respondent

CRM-M Nos.12134 & 12276 of 2018

Malkit Singh
.....Petitioner
Versus
State of Punjab
.....Respondent

CRM-M Nos.9265, 9268, 9313, 9352, 9355, 9362, 9365, 9366, 9379,
9413, 9856, 9859 of 2018

Gurjeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Abhishek S. Bhaskar, Advocate,
Mr. A.K. Walia, Advocate,
Mr. Kartar Singh, Advocate and
Mr. J.S. Khiva, Advocate for
Mr. L.S. Sidhu, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab
for the respondent-State assisted by
I.O. Inspector Harinder Singh SRA.

Mr. Saurabh Bhardwaj, Advocate
for the complainant-Bank.

SUDIP AHLUWALIA, J. (ORAL)

These are applications for regular bail on behalf of the
petitioners.

2. The commonness of the FIR happens to be the alleged
obtaining of loans from the HDFC Bank (complainant) on the strength
of forged *Jamabandis*/Title Documents.

3. The petitioners were arrested during investigation, and their
dates of arrest are shown as below:-

Sr. No.	Name of the petitioner	Date of Arrest
1	Chandan Madaan	14 th July, 2018
2	Gurmeet Singh	24 th December, 2016
3	Palwinder Singh	11 th August, 2017
4	Vimal Kumar	Initially arrested in FIR No.76 of 2016 on 12 th July, 2017 and lastly arrested on the strength of the Production Warrant in FIR No.24 of 2017 on 13 th August, 2017
5	Malkit Singh	14 th January, 2018
6	Gurjeet Singh	1 st September, 2017

4. It may be mentioned that in case of petitioner-Chandan Madaan the allegation is that being an employee of the Bank, he had connived with the concerned accused persons who had allegedly obtained loans on the basis of forged documents.

5. However, it has transpired from the available documents in the Case Diary that his designation in the complainant-Bank was that of a Relationship Manager, and it was not part of his duties to verify the photostat of the loan related documents, which job was actually meant to be done by the authorized professionals in the form of Advocates/Legal Officers to the Banks.

6. In relation to petitioner Vimal Kumar, the allegations are that the forged documents were created/generated in his computer/photostat shop. However, no recovery of any equipment from his shop to establish the forensic link with the forged documents was done during investigation, and the material available against him only

happens to be the statement of one Rahul Kalra, who was apparently the Driver to petitioner-Gurjeet Singh, and who allegedly was aware of the frauds being practiced and perpetuated, and who in any case never actually submitted any application for loan with the complainant-Bank.

7. Rest of the petitioners are the actual loanees except in the case of petitioner-Malkit Singh, who, apart from being a loanee in one of the FIRs stood as a guarantor for petitioner-Gurjeet Singh who had separately obtained loan in the same manner.

8. The some and substance of the contention raised on behalf of these petitioners is that they all are illiterate farmers and were actually tricked into applying for loans by the Bank officials themselves who thereafter siphoned off a substantial part of those loan amount figures which were grossly inflated in relation to the actual loans applied for.

9. Without commenting on the credibility or otherwise of this contention raised on behalf of the petitioners, it may be mentioned that in virtually identical circumstances, a Co-ordinate Bench of this Court in relation to certain other similar FIRs lodged on behalf of the same complainant pertaining to similar fraudulent loan transactions involving other persons had directed their release in view of the fact that investigation had already been completed, and the accused persons had undergone substantial period of detention in each case.

10. The relevant order was passed by the Co-ordinate Bench on 14th December, 2017 in CRM-M No.45219 and other connected petitions of 2017, and which has since attained finality.

11. The present petitioners therefore would also be entitled to a similar relief at this stage considering the long period of detention undergone by them.

12. They are accordingly ordered to be released on bail on identical terms & conditions as mentioned in the aforesaid order passed by the Co-ordinate Bench.

13. Disposed off.

May 14, 2018
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No