IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM M-43858 of 2017

Date of decision :15.02.2018

Balwan Singh Dagar

....Petitioner

V/s

The State of Haryana

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. J.S. Bhatti, Advocate for the petitioner.

Ms. Tanushree DAG Haryana.

RAJAN GUPTA J.

Petitioner seeks concession of pre-arrest bail in a case registered against him under sections 420, 467, 468, 471 IPC vide FIR No. 305 dated 11.10.2017 at police station Julana, District Jind. It has been urged before the court that petitioner is entitled to anticipatory bail as evidence is documentary in nature. Allegations of forgery are false and need to be outrightly rejected. Learned State counsel has opposed the prayer. According to it, petitioner used a cheque of ₹19 issued in the year 2017 and entered a figure of ₹1,20,75,487/- thereon and submitted it to the bank for clearance. On presentation, the bank authorities detected the forgery and report it to police. According to State, custodial interrogation of the petitioner is necessary to unravel the modus operandi of the crime.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

Petitioner was having a saving bank account with Oriental Bank of Commerce, Julana. A cheque bearing no. 262279 dated 10.07.2017 amounting to ₹1,20,75,487/- was purported to have been issued by SBI Life Insurance Company was submitted by him in the drop box with a pay in slip of the same date for credit to his aforesaid account. The said branch entered the cheque and sent the same for collection to SBI, Julana alongwith dated 11.07.2017. However, on 14.07.2017, the cheque was returned by SBI, Julana with the reason that amount in words and figures differed and title of the cheque was doubtful. The bank, thus, investigated the matter. A copy of e-mail dated 13.07.2017 received from SBI Life Insurance Company to SBI, Julana was on record vide which SBI Julana was requested not to honour the cheque as it was issued for ₹19/- on 06.05.2017 in favour of one Ms. Babita Devi. It was also mentioned therein that the font used in cheque was incorrect and IFSC code mentioned was also wrong. It was a high value cheque with incorrect facsimile signature. On request of the bank, FIR was registered and investigation ensued. Case of the investigating agency is that petitioner committed a fraud as cheque no. 262279 dated 06.05.2017 for ₹19/- in the name of Ms. Babita was manipulated. In the said cheque, petitioner altered the amount of ₹1,20,75,485/- in words but in figures the amount was written as ₹1,20,75,487/-. As the huge amount was involved, the cheque was returned by the Manger of SBI, Julana on receiving the e-mail from SBI Life Insurance Company. As the original cheque was returned to the petitioner, it needs to be recovered from him. It is yet to be ascertained whether any other individual is involved in the commission of crime. In view of serious nature of allegations, custodial interrogation of the petitioner would be required. During the course of hearing, counsel for the petitioner also mentioned that he had filed a petition under section 138 of the Negotiable Instruments Act against official(s) who issued the cheque as same had bounced. In this situation, thorough investigation becomes all the more necessary. Petition is, thus, without any merit and is hereby dismissed.

February 15, 2018 (RAJAN GUPTA)
Ajay JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No