

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49936-2018 (O&M)

Date of Decision:- 13.12.2018

Harjinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Veneet Sharma, Advocate, for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

Petitioner-Harjinder Singh seeks grant of regular bail in a case registered against him vide FIR No. 5, dated 14.8.2018, registered at Police Station N.R.I, Amritsar City, District Amritsar, under Sections 419, 420, 465, 467, 468, 471, 120 of Indian Penal Code, 1860.

The FIR was lodged at the instance of Sandeep Singh Aulakh wherein it has been alleged that he is citizen of USA and is residing abroad and owns 123 kanals of land in Village Modey, District Amritsar which he had given on lease to one Sukhchain Singh. It is alleged that during his recent visit to India, he found out that one person who is a resident of H.No.621, Tehsil Ajnala, District Amritsar had prepared a false Aadhar Card,

Voter Card and Income Tax I.D. and attempted to raise a loan from ICICI Bank, Fatehgarh Churian, on the land belonging to the petitioner, on the basis of the said forged documents but somehow the bank officials got suspicious and did not sanction the loan. It is further alleged that the said person, in connivance with Nambardar-Iqbal Singh wanted to sell off the land belonging to the petitioner.

Pursuant to receipt of the aforesaid information, the police investigated the matter and it was found that one Sukhvinder Singh had prepared forged Aadhar Card, Voter Card and Income Tax I.D. and had raised a loan of ₹20 lacs from Punjab and Sind Bank, Ghanapur Kale, Amritsar, by mortgaging land of the complainant in connivance with Nambardar-Iqbal Singh.

During investigation, it further transpired that petitioner-Harjinder Singh impersonated as Joginder Singh and on the basis of forged Aadhar Card and Voter I-Card and had appeared as a witness and had identified Sukhvinder Singh at the time of submitting loan documents and sanction of loan in favour of Sukhvinder Singh who had in fact impersonated as Sandeep Singh.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case, the petitioner is not beneficiary of the alleged loan.

On the other hand, learned State counsel has submitted that the complicity of the petitioner is writ large inasmuch as he had not only acted as a witness at the time of sanction of loan but had impersonated as Joginder Singh, on the basis of forged identity documents. Learned State counsel has,

however, informed that the investigation is complete and challan has already been presented although charges are yet to be framed.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the petitioner has been behind bars since the last more than 3 months and challan has already been presented although not even a single witness has been examined so far, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner-Harjinder Singh is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

This petition stands accepted accordingly.

December 13, 2018
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No