

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-6067-2018 (O&M)
Date of decision: March 22, 2018

Balbir Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. T.P.S. Tung, Advocate for the petitioner.
Mr. A.A. Pathak, Addl. Advocate General, Punjab.
Mr. Sandeep Singh Aujla, Advocate for the complainant.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 406, 420 & 120-B IPC at Police Station Badali Ala Singh, District Fatehgarh Sahib, vide FIR No.07 dated 27.01.2018.

FIR was registered against the petitioner and other co-accused on the complaint made by one Simranjit Singh son of Jasbir Singh, stating that Kuldeep Kaur, Iqbal Singh and Nirbhai Singh had taken a loan of Rs.40.00 lacs from Buta Singh against mortgage of their land measuring 31 Kanals 8 Marlas, vide mortgage-deed dated 2.5.2007. Later on, Buta Singh expired. As Kuldeep Kaur etc. had failed to return the money, Buta Singh (deceased) through his legal representatives filed a suit for recovery against Kuldeep Kaur etc., which was decreed on 28.04.2015. Execution thereof was filed, in which the mortgaged property stood attached. On 29.4.2016,

on the warrant of attachment a report was received to the effect that property detailed in the list stood attached. Later on, it revealed that Kuldeep Kaur etc. had raised a loan from the bank and mortgaged the same property. The allegations against the petitioner, who was Patwari at the relevant time, are that he only attached the property of Kuldeep Kaur etc. situated in village Rajindergarh, whereas property of village Patarsi Khurd was not attached by him. After conducting inquiry by Dy. Superintendent of Police, Fatehgarh Sahib, instant FIR was registered.

Keeping in view seriousness of allegations, no case for pre-arrest bail is made out. Petitioner has active role in facilitating Kuldeep Kaur etc. in getting loan of Rs.15.00 lacs on the land already attached by the court. Relevant para 3 of the short affidavit of Dr. Ravjot Grewal, Assistant Superintendent of Police, Fatehgarh Sahib reads as under:

“3. That in fact, the petitioner did not comply with the above said directions and he only attached the property of said Kuldeep Kaur etc. situated in village Rajindergarh and whereas, he did not attach the property of village Patarsi Khurd. Taking advantage of this fact, said Kuldeep Kaur etc. obtained a loan of Rs.15,00,000/- (Rupees Fifteen Lacs) on the above said land, which was not attached by the petitioner, on 19.07.2017 from Local Area Capital Bank, near Aam Khas Bagh, Sirhind, Tehsil and District Fatehgarh Sahib and thereby, the petitioner facilitated aforesaid Kuldeep Kaur etc. in obtaining huge loan on the property, which was ordered to be attached by the competent court of law at Fatehgarh Sahib, but was not attached by the petitioner in collusion and connivance with aforesaid Kuldeep Kaur etc.”

Further I am not convinced with the plea that petitioner deserves concession of bail on parity with co-accused Kuldeep Kaur and Iqbal Singh. In my considered view, custodial interrogation of the petitioner may be necessary to take the investigation to its logical end. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

March 22, 2018
'Rajpal'

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