

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

CRM-M-8780-2018
Date of decision: 21.11.2018

Jaspal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. N. P. S. Mann, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 278 dated 03.12.2014, under Sections 406, 420, 419, 465, 467, 468, 471, 120-B IPC, registered at Police Station Gobindgarh, District Fatehgarh Sahib.

On 12.03.2018, the following order was passed:

“Learned counsel for the petitioner submits that as per the allegations in the FIR, which was got registered on a complaint given by the Manager, IDBI Bank, it is alleged that some persons have fraudulently availed a loan of Rs.16 lacs from the bank by mortgaging the land belonging to father of one Lakhwinder Singh, who has sent an intimation to the bank in this regard. It was further stated that one Shishan Singh had approached for obtaining the loan under the Kissan Credit Card Scheme of Govt. of India and has produced his voter card and got the land mortgaged in favour of IDBI Bank. Learned counsel for the petitioner further submits that after

registration of the FIR, the matter was got inquired and on inquiry, it was found that a loan of Rs.15,50,000/- was sanctioned in the name of one Shishan Singh and was disbursed on 22.07.2014 by way of a cheque and the cheque book was sent to said person. Later on, it was found that in fact co-accused Baldev Singh son of Malla Singh posing himself to be Shishan Singh has played a fraud with the bank along with other co-accused, who identified him. It is further submitted that as per the report submitted under Section 173 Cr.P.C., the only allegation against the petitioner Jaspal Singh is that on the date, when the amount of Rs.15,50,000/- was withdrawn by the co-accused, petitioner was standing outside the bank with one Gurmeet Singh and an unidentified person and has taken his share of money. Counsel for the petitioner has further submitted that the investigation is already complete and the petitioner is no more required for any further interrogation, as he is in judicial lockup for the last more than 03 months and 27 days. Learned State counsel, assisted by HC Gurmail Singh, has placed on record custody certificate dated 12.03.2018 and as per this custody certificate, it is not disputed that the petitioner is in judicial lockup since 13.11.2017 and is not involved in any other such or similar case. Since it is a case where the bank officials have sanctioned the loan of Rs.15,50,000/-, without making due inquiry or verification regarding identity of the person posing himself as Shishan Singh as well as without verifying the revenue record, Senior Superintendent of Police, Fatehgarh Sahib is directed to hold an inquiry about the role of the bank officials, who have verified the identity of the fake person namely Shishan Singh as well as the revenue record presented by him. It is further directed that the role of any other

person, who has verified such documents, be also looked into and a status report be submitted before this Court on the next date of hearing. List again on 21.05.2018. In the meantime, petitioner is directed to be released on interim bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.”

Thereafter, learned State counsel was directed to file status report regarding involvement of any bank official who have verified the identity of the fake person, namely Sishan Singh, as well as the revenue record presented by him. It was also directed that the role of any other person, who has verified such documents, be also looked into.

Status report, by way of affidavit of DSP, Circle Amloh, is on record and as per report, no connivance of the employees of the IDBI Bank with accused was found and they have committed negligence in their duty for which, departmental action has already been taken against them by the Bank.

In view of the above, without commenting anything on the merits of the case, this petition is allowed and order dated 12.03.2018 is made absolute.

November 21, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No