

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

CRM-M No.16243 of 2018

Date of Decision: 18.03.2019

Taran Singh

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Lakhwinder Singh Mann, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. D.A.G., Punjab.

DAYA CHAUDHARY, J.

Petitioner-Taran Singh has approached this Court by way of filing the present petition under Section 438 Cr.P.C for releasing him on anticipatory bail in case FIR No.31 dated 23.02.2018 registered under Sections 420, 406, 465, 467, 468, 471 and 120-B IPC at Police Station Bassi Pathana, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved in the commission of offence. The FIR, in question, was registered at the instance of complainant-Rakesh Kumar, Manager, State Bank of Patiala, Branch Bassi Pathana on the allegations that the petitioner had applied for a loan, which was sanctioned on 24.05.2013. The petitioner had executed a mortgage deed in favour of the bank for his land measuring 18 kanals 6 marlas. The petitioner had concealed the factum of previous loans and in connivance with patwari, he had obtained a *jamabandi* for the year 2010-11,

wherein, the entry of previous mortgage was not mentioned. Learned counsel also submits that no offence is made out against the petitioner as neither any misrepresentation was there nor any specific role has been attributed to him. Nothing is to be recovered from the petitioner and he is ready to join investigation. The alleged forgery was committed in the year 2013 and no action was taken for a period of five years. Learned counsel further submits that the petitioner is an old person of 70 years and is suffering from various ailments.

Learned counsel for the respondent-State has opposed the bail to the petitioner on the ground of allegations against him as it is not a case of only having various loans against the same land/property but with the connivance of the bank officials, the factum of mortgaging the same land while having loan earlier has not been disclosed. Learned State counsel also submits that serious allegations are there of fraud and forgery with the public amount and the petitioner does not deserve the concession of bail.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

Admittedly, as per allegations levelled in the FIR, the petitioner has concealed the factum of previous loans in connivance with the *patwari*, which is not reflected in the *jamabandi* for the year 2010-11. Serious allegations are there of fraud and cheating in connivance with the police officials and fraud has been played in connivance with the bank officials. Not only the loan was obtained in a fraudulent manner but the petitioner became defaulter. Subsequently, it was found that he has taken many loans against the same property and factum of mortgaging that property was not

mentioned in the copy of *jamabandi* as there was no entry in the *jamabandi* regarding various loans obtained by the petitioner. The petitioner is not entitled for anticipatory bail as allegations of forging the revenue record in active connivance with the Revenue Officials are there. The allegations are also there against the bank officials.

Accordingly, it can be said that the allegations of forgery and fabrication of documents are there. Even while arguing the case, learned counsel for the petitioner has not come forward to pay the amount of loan. Moreover, the price of the land is much more than the amount of loan which has been obtained by the petitioner.

Accordingly, by considering the serious allegations against the petitioner, he does not deserve the concession of anticipatory bail and the petition is hereby dismissed.

18.03.2019
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No