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

CRM-M-10055 of 2019

Date of decision: May 16, 2019

Jasvir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Parvinder Singh, Advocate for the petitioner.

Mr. C.L. Pawar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail to the petitioner, in FIR No.81 dated 08.05.2018, under Sections 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Bhawanigarh, District Sangrur.

As per prosecution case, petitioner took loan/bank limit from ICICI Bank by showing his ownership over the land measuring 42 bighas 4 biswas out of which, he had mortgaged 28 bighas and 16 biswas, whereas he was owner of 0.5 bigha only. Complainant made verification regarding ownership of the petitioner, who along with his co-accused submitted one *jamabandi/ khasra girdawri* of village Balad Kalan. The other co-accused, Karamjit Singh being *Halqa Patwari*, verified *jamabandi* and on whose report, joint Sub Registrar issued

non-encumbrance certificate regarding aforesaid land in favour of petitioner and his co-accused. The co-accused, Sohan Singh stood surety to the aforesaid transaction. Balbir Singh attested the information supplied by the petitioner as well as his co-accused and also verified that petitioner had 28 acres of land. Jasvir Singh son of Sohan Singh and Pardeep Singh also disclosed that information supplied by Balbir Singh is true. On this information, the Bank sanctioned the limit of ₹21,96,000/- to the petitioner/accused and he executed the mortgage deed on the basis of forged documents in favour of the bank. However, later on it transpired that petitioner and his co-accused were not the owners of the land in question and they used the amount of ₹15,40,000/- of the aforesaid loan/bank limit.

Learned counsel for the petitioner contends that the petitioner is in custody since 06.12.2018 and it is the duty of the complainant who is on the panel of ICICI Bank to verify all the documents submitted by the petitioner before sanctioning the loan/bank limit. Further contends that the entire prosecution case is based on documentary evidence and nothing is to be recovered from the petitioner. Also contends that in the connected case, co-accused of the petitioner has already been granted the concession of anticipatory bail by this Court.

On the other hand, learned State counsel has opposed the prayer of the petitioner for grant of bail on the ground that petitioner along with his co-accused submitted forged documents with the bank

in order to avail the loan from the Bank.

Heard learned counsel for the parties and perused the paper book.

Petitioner is in custody since 06.12.2018 and co-accused has already been granted bail and entire case is based on documentary evidence. Present case is triable by a Magistrate and nothing is to be recovered from the petitioner as report under Section 173 Cr. P.C. has already been submitted; the trial will take sufficient time, therefore, no useful purpose will be served by keeping him behind bars anymore.

As a result thereof, this petition is allowed. The petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

However, it is clarified that petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

May 16, 2019

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **Yes**