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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11219-2019

Date of Decision : May 2, 2019

Sukhwinder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Argued by : Mr. Surjit Singh Swaich, Advocate,
for the petitioner.

Mr. Rajat Bansal, AAG, Punjab,
for respondent-State.

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SHEKHER DHAWAN, J.

Present petition under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail in case bearing FIR No. 88 dated 15.10.2018 under Sections 406, 420, 465, 467, 468, 471 read with Section 120-B IPC registered at Police Station – Badali Ala Singh, District Fatehgarh Sahib.

2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the above said FIR. More so, co-accused Tejvir Singh has already been granted relief of pre-arrest bail by this Court vide orders dated 25.02.2019 (Annexure P/4) passed in CRM-M-61641-2018. The petitioner is also ready to join the investigation. So, the present petition for pre-arrest bail be accepted.

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3. Learned State counsel as well as learned counsel for the complainant have opposed the bail application on the ground that the Gurmagh Singh had mortgaged the property in question time and again for taking loans from different banks, but no entry was made with regard to said loans in the Jamabandi. Thereafter, Gurmagh Singh got issued Non-Encumbrance Certificate vide receipt No. 5534 dated 29.1.2014 in connivance with revenue officials and produced forged jamabandi and on that forged report, Gurmagh Singh had taken loans from different branches of the Banks to the tune of Rs.1,12,50,000/- and the petitioner, who is Halqa Patwari is not entitled to be released on bail.

4. Having considered the submissions made by learned counsel for the parties and the above facts, this Court is of the view that it is a case of advancement of loan(s) by the Banks on the basis of some forged document and report having been submitted by the petitioner and the Banks had relied upon the statement of present petitioner. For that purpose, the petitioner would be required for extensive investigation and his case is distinguishable from the case of Tejvir Singh. No case is made out for grant of anticipatory bail to the petitioner.

5. The present petition stands dismissed.

(SHEKHER DHAWAN)
JUDGE

May 2, 2019

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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes