

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-24027-2018 (O&M)
Date of Decision:- 24.1.2019

Dushyant Kumar ... Petitioner

Versus

U.T. Chandigarh and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kulwinder Singh, Advocate, for
Mr. S.S.Sarwara, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petition has been filed seeking quashing of FIR No.419, dated 26.10.2015, registered at Police Station Sector 26, Chandigarh, under Sections 419, 420, 467, 468, 471 and 120-B IPC and also of order dated 29.11.2017 passed by learned Additional Chief Judicial Magistrate, Chandigarh, vide which the petitioner has been declared as Proclaimed Offender.
2. The FIR in the present case was lodged at the instance of the Branch Manager, State Bank of India, wherein it has been alleged that one Prakash Singh had approached the Bank so as to raise a loan for purchase of a car and furnished identity card issued by Ministry of Defence, salary slips, account statement in the name of Prakash Singh

and allotment letter pertaining to a flat in the name of father of Prakash Singh.

3. It is alleged that considering the request of Prakash Singh and on the basis of the documents furnished by said Prakash Singh, a loan of ₹5.50 lacs was sanctioned. However, subsequently when the petitioner defaulted in repayment and the bank officials tried to contact the petitioner it transpired that in fact Parkash Singh's real name was Dushyant Kumar. It is further alleged that the petitioner despite having been requested several times did not even submit the registration certificate of the vehicle.
4. Having heard the learned counsel for the petitioner and upon perusal of the contents of the FIR, this Court finds that there are specific allegations which prima-facie constitute offences of cheating and forgery. It is apparent that the petitioner by way of representing himself to be Prakash Singh and by way of furnishing documents disclosing his identity as Prakash Singh whereas in fact he was Dushyant Kumar had cheated the Bank for the purpose of raising a loan of ₹5.50 lacs which he did not even repay.
5. As regards impugned order dated 29.11.2017 whereby the petitioner has been declared a Proclaimed Offender, nothing has been shown to this Court as to how the procedure adopted by the trial Court for declaring him a Proclaimed Offender was defective.
6. In view of the aforesaid position, this Court does not find any valid ground either to quash the FIR or to set aside order dated 29.11.2017

passed by the learned Additional Chief Judicial Magistrate,
Chandigrh.

- 7. The petition is sans merit and is dismissed.
- 8. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.
- 9. However, in case the petitioner choses to surrender before the trial Court within 2 weeks from today and moves an application for grant of regular bail, the trial Court shall endeavour to dispose of the same expeditiously, preferably within a period of 3 days from filing of such application.

January 24, 2019
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(GURVINDER SINGH GILL)
JUDGE

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