

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

**CRM-M-27291-2019
Date of decision: 11.09.2019**

Yoginder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ankit Aggarwal, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Gaurav Khurana, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in FIR No. 73 dated 19.03.2019, registered under Sections 406, 420, 466, 467, 468 and 471 of the IPC at Police Station Sadar, Yamunanagar, District Yamunanagar.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of Manager, Sarva Haryana Gramin Bank, it is stated that petitioner Yoginder Singh has approached the bank for a credit facility of Rs. 11,60,000/- by way of Kisan Credit Card and while obtaining the said credit limit, the petitioner has submitted altered and forged *Jamabandis* for the years 2010-11 and 2013-14 pertaining to village Nagla Rangran and Lal Chappar, respectively and on the basis of the same, the credit facility was sanctioned in favour of the petitioner. Later on, on verification, it was found that the petitioner has produced the forged

Jamabandis by changing the endorsement in the revenue record showing the same to be mortgaged in favour of other financial institutions, from where the petitioner has earlier obtained credit facility and in this way, the petitioner has committed fraud with the complainant-bank. It is also stated that the petitioner, prior to submission of the forged *Jamabandis* with the complainant-bank, on the basis of the same documents, has obtained credit limit facility of Rs. 20,00,000/- from four other banks by creating a charge on the *Jamabandis*, which were erased by the petitioner by showing it to be charge free land and in such manner, he has misappropriated the public money.

At the time of issuance of notice of motion, learned counsel for the petitioner has stated that petitioner is ready to substitute the mortgaged property with the complainant-bank, however, today, during the course of arguments, he has stated that the petitioner is not interested in substituting the mortgaged property and further submitted that since the recovery proceedings against land in dispute have already been initiated by other banks, the complainant-bank can also take its claim before the Court.

Learned State counsel, on instructions from ASI Satish Kumar, submitted that the petitioner, in a similar manner, has earlier obtained loan against the same land and has committed the offence of forgery, cheating and fraud with the banks by erasing the endorsement of the charge in favour of the four other banks, which were duly reflected in the revenue record, much prior to the time when the petitioner applied to the complainant-bank for obtaining cash credit limit by way of fraud.

Learned counsel for the complainant-bank has also raised similar objections that the petitioner has played a fraud with the bank by

producing fake documents.

After hearing learned counsel for the petitioner, I find no ground to grant concession of anticipatory bail to the petitioner.

The conduct of the petitioner in playing fraud with the bank in a calculated manner is apparent on record as earlier also, in the revenue record of the land in dispute, the charge of four other banks has been created on account of the fact that petitioner has obtained cash credit limited from those banks and now the petitioner, by preparing fake *Jamabandis* and making the complainant-bank to believe that the said land is free from all charges, has fraudulently obtained cash credit limit. Therefore, custodial investigation of the petitioner is required.

Accordingly, this petition is dismissed.

11.09.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No