

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

211

CRM 28122 of 2019 and
CRM-M-30405 of 2019 (O&M)
Date of Decision:19.09.2019

Zakir Hussain

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Himanshu Rao, Advocate, for the petitioner.
Mr. Surinder Singh, AAG, Haryana.
Mrs. Neeta Pathania, Advocate, for the complainant.

Amol Rattan Singh, J. (Oral)

Learned State counsel submits that after verification from the Sub-Registrars' Office, it has been found that the mortgage deed entered into between the petitioner and the complainant bank, i.e. the State Bank of India, was actually never registered (as was on the records of the bank), and therefore an unsecured loan was disbursed to the petitioner which has never been repaid by him.

He further submits that though the Manager and the Field Officer of the bank are also in custody, as per their disclosure statement it was the petitioner who had got the said documents prepared.

Learned counsel for the petitioner on the other hand submits that nothing is required to be recovered from the petitioner and he being an illiterate person, he did not know that it was a forged mortgaged deed.

The contention of the learned counsel for the petitioner to the effect that his custodial interrogation is not required, is rejected for the

reason that, as the learned State counsel has specifically submitted, the *modus operandi* of getting such deed registered, needs to be determined from the petitioner.

Admittedly, a loan having been disbursed to him, with it not having been repaid, and the allegation against the petitioner being that it was he who had got prepared the forged mortgage deed, without making any comment on the actual merits of the case for or against the petitioner, this petition is dismissed, with the interim order vacated.

19.09.2019
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: Yes