

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

**CRM-M No.40278 of 2019
Decided on: 20.09.2019**

Gurmit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Varun Katyal, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.130 dated 23.08.2019 registered under Sections 406, 420, 466, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 (in short 'IPC') at Police Station City Gurdaspur, District Gurdaspur.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered on the complaint of one Surinder Mohan, it is stated that he has purchased a truck from co-accused – Jagtar Singh, which was purchased by Jagtar Singh from one Jassa Singh. It is further submitted that the truck was financed by Cholamandalam Finance Company and remained in the name of Jassa Singh. It is also submitted that the complainant has paid the entire amount to Jagtar Singh and also cleared the loan amount to Cholamandalam Finance Company and obtained a no objection

certificate. Thereafter, the said truck was sold to one Nishan Singh through co-accused Jatinder Singh. Jatinder Singh has entered into an agreement with the complainant in which Nishan Singh and Jassa Singh became witnesses that he after obtaining the loan from Cholamandalam Finance Company will pay the entire amount and Jassa Singh, father of Jatinder Singh, had given two cheques to the complainant. Jatinder Singh obtained loan from Cholamandalam Finance Company but an amount of Rs.6,72,500/- was not paid and even he did not pay any amount to the complainant.

Counsel for the petitioner has further submitted that the petitioner is the Branch Manager of Cholamandalam Finance Company and he has been falsely implicated in the present case. It is also submitted that the Cholamandalam Finance Company never entered into any agreement with the complainant.

Counsel for the petitioner has also argued that Jatinder Singh had obtained the loan from the petitioner's company in a fraudulent manner and returned the amount to the company and one arbitration award is also passed against Jatinder Singh. It is further submitted that the petitioner is ready to join the investigation and nothing is to be recovered.

Counsel for the State has submitted that the allegations against the petitioner are that he has sanctioned the loan on behalf of the Cholamandalam Finance Company, on the basis of the wrong and fake documents, in which Jatinder Singh and Jassa Singh have changed their identity as Varinder Singh and Jasbir Singh and executed the document and similarly another accused Mandeep Kaur also changed

her name as Sharanjit Kaur. Counsel for the State has, thus, argued that the allegations against the petitioner are serious in nature as the petitioner, on the basis of the fake documents, has sanctioned the loan and therefore, his custodial interrogation is required.

In reply, counsel for the petitioner has submitted that Mandeep Kaur as well as Varinder Singh @ Jatinder Singh, Jasbir Singh @ Jassa Singh have been granted the concession of interim bail by this Court and their bail applications are pending.

After hearing the counsel for the parties, I find that the conspiracy at the hands of the petitioner is apparent as he, knowingly that co-accused has produced fake documents, sanctioned the loan and therefore, he being the Branch Manager was the main instrument in grant of the said loan, which ultimately resulted into registration of the present FIR, thus, I find no ground to grant the concession of anticipatory bail to the petitioner.

The petition is dismissed, accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

20.09.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No