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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4000-2020

Date of decision-05.02.2020

Ram Singh

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kamal Choudhary, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner-Ram Singh has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.144 dated 27.12.2018 registered under Sections 420, 467, 468, 471 and 120-B of Indian Penal Code, 1860 at Police Station Sector-17, District Faridabad. The petitioner is in custody since his arrest on 16.11.2019.

As per the allegations in the FIR, a housing loan of Rs. Rs.47,50,000/- was sanctioned in favour of Mahender Sharma son of Babu Ram Sharma for purchasing a house situated at # A-220, measuring 162 square meter in Sector-1, Pocket-A, Vedvyaspuri MDA, Residential Colony, Meerut U.P. It was narrated that the file was sourced by empaneled HLC, namely, Rajvir Nigam, upon reference of Ram Singh and Arvind Kumar.

The title investigation report was given by Advocate Ramesh Rawat. The borrower paid only two instalments of Rs.40,922/- and thereafter, no payment was made, resultantly the account was declared NPA on 02.04.2018. Upon investigation it was noticed that the sale deed mortgaged with the Bank was fake. The borrower purchased the said property from Smt.Malti Sharma wife of M.L.Sharma and it was found that wife of Mahender Sharma described herself as Malti Sharma and made four registry i.e. three in the name of Mahender Sharma son of Babu Ram and one in her own name by changing the name from Malti Sharma to Shreya. Thus,, all these people in conspiracy with each other played fraud with the State Bank of India. On these allegations, FIR was registered.

Learned counsel for the petitioner contends that the alleged loan was advanced by the complainant-Bank in November 2017 to one Mahender Sharma son of Babu Ram for purchase of a house. He contends that the petitioner has been indicted as an accused only on the ground that he had referred the borrower. According to him, the Bank advanced the loan after satisfying itself with the genuineness of the documents furnished by the borrower and therefore, the case set up against the petitioner regarding criminal conspiracy is comparatively weak. He submits that the petitioner is in judicial custody and therefore, he deserves the concession of regular bail.

On the other hand, learned State counsel assisted by ASI Ramesh Chand opposed the prayer, however, it is not disputed that the investigation of the case is complete, and the final report stands filed on 13.01.2020.

After hearing learned counsel for the parties, this Court is of the opinion that offences are triable by Magistrate and trial of the case is likely to consume considerable time, therefore, no useful purpose would be served by further detaining the petitioner behind the bars as the investigation is over. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

05.02.2020

vanita

(MANOJ BAJAJ)
JUDGE

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