

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

210

**CRM-M-8003-2020
Date of decision : 10.11.2020**

Ram Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Jagraj Singh Khiva, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab
for the respondent-State with SI Foga Singh.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.150 dated 27.12.2018 registered under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 in Police Station City-I Mansa, District Mansa.

Briefly stated, the above said FIR was registered on complaint made by Som Nath against Saurab Jain and Nikunj Kumar, Bank Managers, Tarsem Chand, Advocate, Jaswant Singh @ Kaka Singh, Mohinderjit Kaur, Ram Singh, Lambardar (the petitioner), Baljit Singh, Kamaljit Singh, Gurbax Singh and Nirmal Singh, Halqa Patwari. In the complaint Som Nath alleged that on 24.05.2018 he collected the revenue documents of his land for raising the loan limit from the bank and was surprised to know about entry in the revenue documents of loan allegedly taken from Federal Bank, Mansa by him. The above-said Bank Managers in conspiracy with other co-accused had given loan to impostor who falsely personated him. On investigation it was found that co-accused Gurbax Singh and Kamaljit Singh prepared the plan for committing the fraud, Jaswant Singh @ Kaka took the loan of

Rs.10,00,000/- from the bank by impersonating as Som Nath, Baljit Singh co-accused became the guarantor, Karamjit Kaur impersonated as Mohinderjit Kaur and Ram Singh, Lambardar (the petitioner) identified the impostors.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Sh. Harjinder Singh Gill, PPS, Deputy Superintendent of Police, Sub-Division Mansa, District Mansa.

Custody certificate has also been filed by learned State Counsel in the Registry which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner is alleged to have identified Jaswant Singh @ Kaka who had taken loan from the Federal Bank, Mansa as Som Nath and Karamjit Kaur as Mohinderjit Kaur. The petitioner was not the beneficiary of the transactions. The offences are triable by Judicial Magistrate Ist Class. The petitioner is in custody since 26.08.2019. Challan has been filed. The trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that the petitioner and his co-accused had committed fraud by taking loan in the name of Som Nath from the bank. The petitioner had identified the impostors. In view of the gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that he is merely the identifier, the period of his custody and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is

ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence after his release on bail and in case of commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

10.11.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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