

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

CRM-M-24874-2020(O&M)

DATE OF DECISION : 29.09.2020

Jagdish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Bhupender Singh, Advocate,
For the petitioner.

Mr. Bhupender Singh, DAG Haryana

Mr. Gauravdeep Goyal, Advocate for
Mr. Pawan Kumar Gupta, Advocate
For the complainant.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

1. This is a petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.726 dated 25.09.2019, registered under Sections 406, 420, 467, 468, 471, 380 and 120-B IPC, Police Station Civil Lines, Karnal.
2. FIR was registered on a complaint of Manager, State Bank of India against sixteen persons, including the petitioner. It has been alleged therein that all the accused with a malafide intention forged revenue documents and obtained loans/financial assistance against land, which was already mortgaged with other financial institutions. The *modus operandi* of the accused was to furnish forged documents claiming that the land is free

from encumbrance. Whereas, the same were already mortgaged with Banks against previously disbursed loans.

3. So far as allegations against the petitioner, it has been alleged that he forged a lease deed dated 30.07.2015 and basis thereof obtained a loan from bank. All the accused including petitioner later refused to repay the loan amount causing loss to the Bank and illegal gain to themselves on the basis of such forged documents.

3. Learned counsel for the petitioner submits that petitioner has no role in the whole transaction. He never availed any loan facility or loan. He further submits that there is nothing on record to show that lease-deed dated 30.07.2015 is a forged document. According to him, during investigation, the son of the petitioner, who is also accused in the case, has admitted, though by way of custodial confession, that forgery of revenue document was done by him. He further submits that the petitioner is in custody since 20.07.2020 and the petitioner is not involved in any other case. According to him, most of the accused named in the FIR are yet to be arrested and the petitioner is no more required for interrogation. Due to current pandemic scenario, there is no likelihood of even commencement of trial.

4. On a query of the Court, learned State counsel, on instructions, does not controvert that in the disclosure statement made by son of the petitioner, he has admitted that alleged forgery of the documents was committed by him (petitioner's son). He further admits that petitioner is not involved in any other case.

5. Petitioner is stated to be in custody since 20.07.2020 and no useful purpose would be served to keep the petitioner behind the bars as,

especially when owing to the current pandemic scenario, the trial is not likely to commence or conclude any time soon.

6. Accordingly, the instant petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Illaqa Magistrate/ Duty Magistrate, as the case may be.

SEPTEMBER 29, 2020
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(ARUN MONGA)
JUDGE

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