

In virtual Court

CRM-M-24963-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24963-2020 (O&M)

Date of decision: 17.09.2020

Sandeep Duhan and another

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Parminder Singh, Advocate
for the petitioners.

Mr. Sumit Jain, Addl. AG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of FIR No.39 dated 26.01.2016 under Sections 406, 420, 467, 468, 471, 201, 120-B IPC and Sections 7/13/49 of PC Act, registered at Police Station City Jind and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioners submits that as per allegations in the FIR, the petitioners, by presenting fake documents, have succeeded in obtaining the cash credit limit. It is further submitted that the loan was obtained on the basis of policy document and against hypothecation of the property documents. It is also submitted that after registration of the FIR, the accused

persons were arrested and granted regular bail and now the challan has been presented and charges have also been framed.

Reply by way of affidavit of Deputy Superintendent of Police, City Jind, District Jind filed in the Court, is taken on record and as per this affidavit, as many as 22 persons have been arrested and chargesheeted in this case. It is further stated that report under Section 173 (2) Cr.P.C. was submitted before the trial Court and charges have been framed and 07 PWs out of total 73, have already been examined. It is also submitted that another FIR No.434 dated 10.06.2015 under Sections 406, 420, 467, 468, 471, 120-B IPC, also stands registered at Police Station City Jind, in which the bank was cheated by submitting forged sale deed by co-accused Ashish Bansal and others. It is stated in the affidavit that petitioner No.1, on the basis of forged documents i.e. sale deed, fake TIN number, fake bank account and assessment report of Municipal Committee, got the loan of Rs.60.00 lacs sanctioned in the name of Shiv Shakti Traders and thus, committed the embezzlement.

Learned State counsel has submitted that since the charges have been framed and 07 PWs have been examined, the petitioners never availed the remedy of filing the revision petition against the order framing charge. It is further submitted that there is sufficient evidence on record to show that the petitioners, in collusion with co-accused Ashish Bansal, prepared the fake documents to defraud the complainant-HDFC bank and therefore, no ground for quashing of the FIR is made out, as the case is midway recording of the prosecution evidence.

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After hearing learned counsel for the parties and considering the aforesaid facts and circumstances, I find no ground to quash the FIR at this stage.

Dismissed.

**[ARVIND SINGH SANGWAN]
JUDGE**

17.09.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No