

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31289-2020(O&M)
Date of decision: 16.10.2020

Raminder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Saurabh Kapoor, Advocate for the petitioner

Mr. Rana Harjas Deep Singh, DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

On 6.10.2020, the following order was passed by this

Court:-

“Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for grant of anticipatory bail in a criminal case arising from FIR No.0158, dated 09.08.2019, registered under Section 420/465/467/468/471/120-B IPC, at Police Station Sarabha Nagar, District Ludhiana.

The facts of the case have been noticed by the learned Additional Sessions Judge, Ludhiana, in paragraph 3 of its order dated 18.09.2020, which are extracted as under:-

“3. Briefly stated the facts leading to the registration of the present FIR are that the complainant branch Manager, Bank of India, BRS Nagar, Ludhiana has moved an application before Commissioner of Police, Ludhiana against the applicant and others alleging therein that Dalwinder Singh approached the bank for grant of loan of Rs.4,30,000/- for purchase of second hand car bearing registration no.PB-10DE-3929 for Rs.6,20,000/- from accused Gurmail Singh Ghuman. A loan of Rs. 4,30,000/- was sanctioned in favour of Dalwinder Singh. Raminder Singh real brother of

accused Dalwinder Singh stood as a guarantor for the loan. The accused Dalwinder Singh represented to the bank that he has paid Rs.1,90,000/- in cash to Gurmail Singh against receipt and for balance amount of Rs.4,30,000/- at the request of accused Dalwinder Singh, the complainant bank prepared a demand draft no.537948 dated 11.10.2013 and the same was handed over to Dalwinder Singh accused. Dalwinder Singh executed various documents in favour of the complainant bank and Raminder Singh executed guarantee agreement dated 10.10.2013. Thereafter the bank repeatedly requested Dalwinder Singh to get the registration certificate of the car transferred in his name. After much persuasion, the accused Dalwinder Singh submitted a photostat copy of registration certificate in his name which was kept in bank record. Dalwinder Singh put off the request of the bank for car inspection and also stopped making payment of installments from 30.09.2014. The complainant bank checked the record of DTO, Ludhiana and came to know that the car has never been transferred in the name of accused Dalwinder Singh, but the same has been transferred from Gurmail Singh in the name of Raminder Singh brother of Dalwinder Singh who was a guarantor for the loan. A loss of Rs.3,80,373/- alongwith interest from 30.09.2014 has been caused to the bank. On the said complaint, an inquiry has been conducted and the present FIR has been lodged against the applicant and his brother Raminder Singh.”

Learned counsel for the petitioner contends that the alleged loan has been advanced to Dalvinder Singh and not to the petitioner. He further submits that the petitioner did not sign the loan documents. He further submitted, while drawing attention of the Court to various documents, that the signatures of the petitioner have been forged as in the place meant for putting signatures, the name of the petitioner has been written in capital letters (English).

Notice of motion for 16.10.2020.

On the request of this court, Mr. Randhir Singh Thind, Deputy Advocate General, Punjab, accepts notice on behalf of the State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as

and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from ASI Sulakhan Singh has submitted that the petitioner has joined investigation, cooperated and is not required for further custodial interrogation.

In view of the above, the order dated 6.10.2020 is hereby made absolute.

The petition stands allowed.

16.10.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No