209-6

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M No.32251 of 2019
Date of Decision: 24.02.2020

Sahil Puri ......Petitioner
Vs
State of Haryana .....Respondent

2. CRM-M No.37300 of 2019

Hitender Kumar ......Petitioner
Vs
State of Haryana .....Respondent

3. CRM-M No.5416 of 2020

Satyawan ......Petitioner
Vs
State of Haryana .....Respondent

4. CRM-M No.42632 of 2019

Neeraj ......Petitioner
Vs
State of Haryana .....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Abhimanyu Batra, Advocate
for the petitioner in CRM-M No.32251 of 2019.

Mr. Amit Kumar Jain, Advocate
for the petitioner in CRM-M No.37300 of 2019.

Mr. Rajesh Bansal, Advocate
for the petitioner in CRM-M No.5416 of 2020.

Mr. M.S. Sidhu, Advocate
for the petitioner in CRM-M No.42632 of 2019

Mr. Deepak Sabharwal, Addl. A.G., Haryana with
Mr. Anmol Malik, A.A.G., Haryana and

Mr. Surender Singh, A.A.G., Haryana.

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RAJ MOHAN SINGH, J.

[1]. Vide this common order, CRM-M Nos.32251 & 37300 of 2019, CRM-M 5416 of 2020 and CRM-M No. 42632 of 2019 are being decided.

[2]. In CRM-M Nos.32251, 37300 of 2019 & CRM-M No.5416 of 2020, petitioners namely Sahil Puri, Hitender Kumar and Satyawan seek grant of regular bail. In CRM-M No.42632 of 2019 petitioner-Neeraj seeks grant of anticipatory bail.

[3]. Since all the aforesaid cases have arisen out of same FIR No.434 dated 10.06.2015 registered under Sections 420, 467, 468, 471 IPC (Sections 406, 419, 120-B IPC and Section 7 & 13 of Prevention of Corruption Act, 1988 added later on) at Police Station City Jind, District Jind, Haryana, therefore, common facts are being noticed.

[4]. The aforesaid FIR was lodged on a complaint made by Krishan Kumar son of Tara Chand to the Chief Minister of Haryana alleging that Manish son of Naresh, Sanjay son of Satish, Deepak and Nasib sons of Joginder had played fraud in getting sale deeds registered in respect of non-existent properties. FIR was registered and challan under Section 173 Cr.P.C. was prepared against four persons namely Ashish

Kumar Bansal @ Ashu, Naseeb @ Sonu, Sanjay @ Jonny and Manish @ Jimmy. Charges have been framed against the aforesaid accused persons and the case is pending for trial.

[5]. During investigation of the aforesaid case, the Police recovered the records of Bank and on the basis of records, the Bank officials namely Jai Parkash Aggarwal, Manager HDFC Bank, Green Park Delhi, Mahender Sharma Legal Manager, HDFC Bank, Rohtak, Ankit Jain, Manager Rani Talab, Jind were associated in the investigation of the case. A supplementary challan was presented on 23.05.2016 against 10 more accused persons namely Deepak Garg, Rakesh Bahar, Harpal Singh, Ajay Kumar, Happy Jain, Rakesh Jain, Pankaj Mittal, Deepak Jain, Rajiv Kumar and Munni Devi.

[6]. The HDFC Bank thereafter came to know about the aforesaid case in respect of forged sale deeds and conducted internal inquiry, whereupon 37 such cases pertaining to Jind location were detected, wherein loan facilities were availed by the customers by producing false and forged documents through Branches of the Bank. The Agencies which were engaged to evaluate the properties being mortgaged by the customers as collateral securities as well as the lawyers, who were engaged for verifying the title of the properties were also found involved. The Bank took decision to take legal action in

the matter. Resultantly, FIR No.39 dated 26.01.2016 under Sections 120-B/406/420/467/468/471 IPC, Police Station City Jind came to be registered, in which 21 accused were nominated.

[7]. In FIR No.434 dated 10.06.2015, total 19 accused have been nominated. Out of them, 14 accused are on bail. The allegations relate to three firms. Remaining 37 firms are the subject matter of FIR No.39 dated 26.01.2016. The accused Sahil Puri, Hitender Kumar and Satyawan have prayed for grant of regular bail, whereas accused Neeraj has prayed for grant of anticipatory bail. Fifth accused i.e. Satpal @ Soni has not filed any petition. Neeraj, Sahil Puri and Hitender are Relationship Managers of HDFC Bank.

[8]. Learned counsel for the petitioner(s) submitted that the duty of the Relationship Manager was to meet the customer and visit the site. After visiting the site, he has to prepare a report. The complicity of the petitioner(s) would remain debatable as at the relevant time, the firm would have been in existence at the given place. The allegations with regard to non-existent firms cannot be related to the petitioners/Relationship Managers. Accused Satyawan is an imposter of the original owner. He was driver of Ashish Bansal, who is alleged to be a mastermind of the case. Ashish Bansal has been granted regular bail vide

order dated 12.04.2016 passed in CRM-M No.11020 of 2016.

[9]. Learned counsel further submitted that the petitioners Sahil Puri, Hitender Kumar and Satyawan are in custody since July 2019. Interim bail was granted to petitioner Neeraj on 04.10.2019. Since the main accused Ashish @ Ashu has been granted regular bail, therefore, role of the petitioners in FIR No.434 dated 10.06.2015 cannot be treated to be beyond the alleged complicity of Ashish @ Ashu. The challan has been presented except petitioner-Neeraj, who has joined the investigation in pursuance of interim direction passed by this Court.

[10]. Per contra, learned State counsel on instructions from DSP Dharamvir Singh submitted that the petitioner-Neeraj left the job on 04.07.2015 and thereafter on the basis of his introduction, he facilitated Ashish Bansal to avail loan from Indusind Bank. According to learned State counsel, the conduct of the accused is not such which would entitle him for the grant of anticipatory bail.

[11]. I have considered the submissions made by learned counsel for the parties.

[12]. From the record, it can be seen that in CRM-M No.37032 of 2016 titled '*Parveen Mangla and another vs. State*

of Haryana, the employees of the HDFC Bank, in the capacity of Bankers having connived with the customers while releasing loan in the name of fictitious persons on the basis of forged documents of the properties have been allowed anticipatory bail vide order dated 07.12.2016. Similarly in CRM-M No.30683 of 2016 titled '*Vijay Gupta vs. State of Haryana and another*' the accused Vijay Gupta has been allowed concession of anticipatory bail vide order dated 28.09.2016.

[13]. Ashish @ Ashu is alleged to be main accused in both the FIRs. He has been granted regular bail in CRM-M No.11020 of 2016 titled '*Ashish @ Ashu vs. State of Haryana*' vide order dated 12.04.2016. The allegations are that Ashish @ Ashu in connivance with the other co-accused and bank officials has embezzled a sum of Rs.1,60,00,000/- of HDFC Bank by preparing fake sale deeds, fake TAN number and fake bank accounts by using the laptop. The loans were availed in favour of non-existent firms/persons and non-existent properties. The regular bail was granted to Ashish @ Ashu on the premise that the culpability of the accused would remain debatable during trial. The custody w.e.f. 30.12.2015 was taken to be sufficient period of grant of concession of regular bail vide order dated 12.04.2016.

[14]. Rakesh Kumar Bahar, Advocate has also been granted

bail vide order dated 19.05.2016 passed in CRM-M No.14810 of 2016 titled '*Rakesh Kumar Bahar vs. State of Haryana*'. The aforesaid accused in the capacity as a professional Advocate has issued reports on the basis of which No Objection Certificates regarding non-existent properties were submitted, resulting in causing loss to the Bank on account of availing loan in favour of non-existent firms/properties.

[15]. Co-accused Ajay Kumar Mittal has also been granted regular bail vide order dated 19.05.2016 passed in CRM-M No.14210 of 2016 titled '*Ajay Kumar Mittal vs. State of Haryana*. The aforesaid accused acted as a valuer of the property and is alleged to have given an report in respect of existence and value of the property. On the basis of his report, the co-accused secured cash credit limit resulting in loss of Rs.1.60 crores to the Bank.

[16]. With the grant of bail to the aforesaid co-accused, the complicity of the petitioners in FIR No.434 dated 10.06.2015 would also remain debatable as the main accused Ashish @ Ashu has been granted bail, whereas co-accused Parveen Mangla, Jai Parkash Aggarwal and Vijay Gupta have been granted anticipatory bail. The accused Jai Parkash Aggarwal was nominated as accused and he was not required during the course of investigation.

[17]. In the light of aforesaid facts, petitioners namely Sahil Puri, Hitender Kumar and Satyawan are entitled for grant of regular bail. They are ordered to be released on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

[18]. The case of petitioner-Neeraj can also be considered at par with those co-accused, who have been granted concession of anticipatory bail. He has already joined the investigation in compliance of order dated 04.10.2019. Consequently, the interim order dated 04.10.2019 is made absolute. However, petitioner-Neeraj shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;

ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

[19]. In view of above, all the petitions stands allowed.

[20]. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 24, 2020 **(RAJ MOHAN SINGH)**
Atik **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No