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

CRM-M No.35630 of 2020
Date of Decision: 10.12.2020

AMIT KUMAR

......Petitioner

Vs

STATE OF HARYANA

.....Respondent

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

Present: Mr. Deepender Singh, Advocate
for the petitioner.

Mr. Karan Garg, Asstt. A.G., Haryana.

Mr. Vishva Nath Sharma, Advocate
for the complainant.

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<u>RAJ MOHAN SINGH, J.(Oral)</u>

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

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.530 dated 25.10.2018, registered under Sections 419, 420, 467, 468, 471, 120-B IPC at Police Station Panchkula Sector 5, Panchkula.

The allegations are that the house of the complainant which was purchased from Manjit Singh was sold by the petitioner in favour of his brother-in-law Umesh Singla on the basis of forged General Power of Attorney. The said forged General Power of Attorney was of Manjit Singh which was obtained by way of impersonating Manjit Singh despite his death on 29.08.2005. On the basis of aforesaid fraudulent sale, Umesh Singla availed two loans from the LIC Housing Finance Limited in collusion with officials of the Finance Company.

As per record, Umesh Singla had availed two loans of Rs.19 lakhs and Rs.9 lakhs from the Finance Company. An amount of Rs.19 lakhs was availed against the property whereas loan of Rs.9 lakhs was availed for construction purposes.

Learned counsel for the petitioner by referring to the communication dated 26.10.2020 (Annexure P-3) submitted that the loan account of Rs.19 lakhs stands closed after repayment by the petitioner, whereas loan account of Rs.9 lakhs is still in operation. An amount of Rs.19 lakhs was credited in the account of the petitioner and the petitioner has already repaid the same as a measure of one time settlement which is apparent from the letter dated 22.09.2020 issued by the LIC Housing Finance Limited (Annexure P-2). The loan account of Rs.9 lakhs is still in the name of Umesh Singla, who is still at large.

On 26.11.2020, it was informed by learned State counsel that the matter is still under investigation and co-accused Umesh Singla is still at large. The petitioner has deposited an amount of Rs.17 lakhs under one time settlement against loan account No.311900000047. An amount of Rs.7,35,340/- is still pending in the name of co-accused Umesh Singla, who has not been arrested so far.

Learned counsel for the petitioner by referring to ***Sanjay Chandra vs. CBI, 2012(1) SCC 40*** and ***Criminal Appeal No.1831 of 2019 (Arising out of S.L.P. (Criminal) No.10493 of 2019)*** titled ***'P.Chidambaram Vs. Directorate of Enforcement'*** decided on 04.12.2019 further submitted that grant of bail is the rule whereas refusal is an exception. The offence is triable by the Magistrate. Challan has been presented. Petitioner is in custody since 15.09.2020.

In view of settlement of loan account of Rs.19 lakhs and also in view of the situation arising due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

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

(RAJ MOHAN SINGH)
JUDGE

December 10, 2020
Atik

Whether speaking/reasoned Yes/No

Whether reportable Yes/No