

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46388-2019 (O&M)

Date of Decision: 08.01.2020

Dharambir

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashit Malik, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.78 dated 28.02.2018, under Sections 406, 420, 467, 468 and 471 IPC, 1860, registered at Police Station Ladwa, District Kurukshetra. He is in custody since his arrest on 24.06.2019.

The prosecution case is that a complaint bearing No.4071-MISC dated 13.11.2017 was received in police station, which was made by Bajrang Kishore (duly authorised from the bank) against accused Dharambir Singh (borrower) and Usha Devi (guarantor), wherein it was alleged that the accused had cheated the complainant (HDFC Bank Ltd.) by providing manipulated/self generated, false and fake land documents and on the basis of said documents, they had obtained a loan of ₹75, 00,000/-, which was sanctioned on 02.01.2015 and disbursed in the newly opened bank account of Dharambir Singh (borrower). As per complainant, when in routine, the case was reviewed, it was found that something is suspicious. Upon verification of documents, it was noticed that sale deeds of collateral

properties were never executed in office of Sub Registrar, Ladwa.

Learned counsel for the petitioner submits that before sanctioning the loan, the bank had already done the verification and the FIR was lodged after a long delay. According to him, the investigation of the case is complete and the petitioner is confined in judicial custody. Learned counsel for the petitioner submits that the charges have been framed on 11.10.2019 and no witness has been examined so far and trial is likely to consume considerable time and, therefore, further custody of the petitioner may not be justified.

On the other hand, learned State counsel assisted by SI Naresh Pal has opposed the prayer on the ground that one more case of similar nature is pending against the petitioner. However, it is not disputed that no witness has been examined so far in the present case.

Considering the custody of the petitioner and the fact that the offences are triable by the Magistrate and the trial of the case is likely to consume considerable time, therefore, further detention of the petitioner may not be necessary. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court Kurukshetra.

The petition is allowed.

08.01.2020

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No