

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35931-2021

Date of Decision: 02.09.2021

Sahib Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amit Arora, Advocate for the petitioner.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.168 dated 02.11.2018, under Sections 420,467,468,471 of Indian Penal Code, 1860, registered at Police Station Goindwal Sahib, District Tarn Taran.

As per the FIR which was lodged on the basis of a complaint given by the Manager of Tarn Taran Primary Co-operative Agricultural Development Bank Ltd., Tarn Taran, a fraud was committed by the petitioner as he had taken a loan of Rs. 2,50,000/- from the Bank on 29.09.2017 on Kisan Credit Card Scheme and till date he has not deposited any installment in the aforesaid account. When the Bank got suspicious then the entry was got checked from the Patwari and then it transpired that he has, by giving a false Loan Clearance Certificate, got redeemed his mortgaged

land and in this way, the petitioner has prepared a fake Loan Clearance Certificate of his land and got the land redeemed and, therefore, committed a cheating with the Bank.

The learned counsel for the petitioner has submitted that the petitioner is an illiterate person and some blank documents were signed in the Bank and, therefore, it was a fraudulent action on the part of the Bank and not on the part of the petitioner for making a Loan Clearance Certificate.

Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has stated that he has received advance copy of the petition and has sought instructions in this regard from ASI Sukhchain Singh and he submitted that it was a clear cut case of cheating and even the petitioner has not denied the making of a forged Loan Clearance Certificate in the petition itself nor any argument has been raised by the learned counsel for the petitioner that the Loan Clearance Certificate was a false certificate. However, the argument which has been raised by the learned counsel for the petitioner that the petitioner is an illiterate person and some blank documents were signed by him cannot enable him to get the concession of anticipatory bail by this Court. However, the petitioner has to explain as to what was the modus operandi for making a false Loan Clearance Certificate and for that purpose the custodial interrogation of the petitioner is required.

I have heard the learned counsel for the parties.

The allegations against the petitioner are that he had taken a loan from the Bank and thereafter, on the basis of a forged Loan Clearance Certificate he got his land redeemed and thereafter, he failed to deposit the installments to the Bank. A perusal of the petition filed by the petitioner

would show that the petitioner has not even denied this fact that he made forged Loan Clearance Certificate except for a bald averment made in para No.4 of the petition that since the petitioner is an illiterate farmer, the Bank officials got his signatures on the blank documents. The argument raised by the learned counsel for the petitioner seems to be totally improbable on the face of it. The beneficiary is the petitioner and, therefore, such an argument that bank officials might have prepared forged certificate cannot be sustained. Furthermore, it is not the case of the petitioner that no forgery has been committed. Therefore, the submission made by the learned State counsel that the custodial interrogation of the petitioner is required for elicitation of truth as to what was the modus operandi adopted by the petitioner for making the forgery would certainly carry weight.

Therefore, considering the totality of the circumstances, I do not deem it fit and proper to grant anticipatory bail to the petitioner. Consequently, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

02.09.2021

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No