

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM No. M-40503 of 2021
Date of Decision : 27.10.2021

Sukhdeep alias Sukhdev

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Parveen Sharma, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in respect of FIR No. 195, dated 06.03.2018, registered under Sections 406, 420, 467, 468, 471 IPC at Police Station Karnal Civil Lines, District Karnal.

Learned counsel for the petitioner argues that petitioner was not named in the FIR and has only been roped on the basis of disclosure statement of co-accused, namely, Satpal. Learned counsel for the petitioner submits that even Satpal, has named the petitioner due to enmity and for ulterior purposes and petitioner has nothing to do with said Satpal and as the petitioner is ready to join the investigation and cooperate, he be granted the benefit of anticipatory bail. Learned counsel for the petitioner further submits that the loan was taken by the owner of the land, namely, Sanjeev

Kumar, in a fraudulent manner but the petitioner is being made a scapegoat for the said act of the other co-accused.

On the other hand, learned State counsel submits that as per the status report of the investigation, which has been filed, petitioner as well as co-accused were working in tandem as a gang in connivance with the branch manager of State Bank of India to secure loan on the properties, which were already mortgaged or were under incumbrance in a fraudulent manner by forging the documents. Learned counsel submits that the petitioner was one of the main participant of the said gang, who use to lure the land owners to take the loan in a fraudulent manner and used to take his share of money out the said loan advanced. Learned counsel for the petitioner submits that custodial interrogation of the petitioner is very necessary to find out the trail of the money, which has been taken by the land owner from the bank under the garb of the loan and was distributed between the co-accused.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, the allegations are very serious, where the public money is being usurped in a fraudulent manner in connivance with the custodian of the said money i.e. bank authorities. The investigation needs to elicit the truth as to how, the said modus operandi was being operated so as to secure the money in a fraudulent manner. The trail of the money, which has been secured from the bank under the pretext of the loan by using fraudulent method, is also to be discovered during the investigation.

Further, this is not a case, where allowing the petitioner to join the investigation and co-operate will achieve purpose of investigation. Even the Hon'ble Supreme Court of India in ***State represented by the C.B.I. Vs. Anil Sharma***, 1997(4) R.C.R.(Criminal) 268, has held that in case where serious allegations have been alleged and the truth needs to be elicited from the accused, the same can only be done through the custodial interrogation as compared to questioning a suspect, who is already on anticipatory bail. In the present case, the truth can only be elicited in case, a firm had his given to the investigating agency, which can only be done through custodial interrogation of the petitioner. This is not a case, where mere joining of the investigation, will serve purpose of investigation.

No ground is made out to grant the benefit of anticipatory bail to the petitioner.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 27, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No