

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

(I) CRM-M-3705-2022 (O&M)

Satpal Wasan ...Petitioner

Versus

State of Haryana ...Respondent

(II) CRM-M-21773-2022 (O&M)

Sukhdeep @ Sukhdev ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision: 23.09.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. H.S.Brar, Senior Advocate, with
Mr. Jivitesh Singh Dosanjh, Advocate, for the petitioner
in CRM-M-3705-2022.

Mr. Neeraj Goel, Advocate, for the petitioner
in CRM-M-21773-2022.

Mr. Surinder Singh, AAG, Haryana,
assisted by ASI Bahadur Singh.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of aforesaid two petitions filed on behalf of Satpal Wasan and Sukhdeep @ Sukhdev respectively, seeking grant of regular bail in respect of a case registered against them vide FIR No.195 dated 06.03.2018 at Police Station Karnal Civil Lines, District Karnal, under Sections 420/467/468/471 IPC (Sections 406/474/409/120-B IPC added later on).

2. The FIR was lodged at the instance of Mahender Pal, Branch Manager, SBI, NDRI, Karnal, wherein it has been alleged that pursuant to merger of the subsidiary banks with the State Bank of India, it came to notice that several loans had been sanctioned and released in favour of the farmers on the basis of false declarations. It has been alleged that although while submitting jamabandies, affidavits had been furnished to the effect that the land in question was free from all encumbrances, but it transpired that several of the said properties already stood mortgaged. It has further been alleged that various Advocates, who had been assigned the job of verification, had also submitted false reports in this regard.
3. It is the case of prosecution that as many as 120 cases had come to notice and that investigation is still going on and there would be several other cases. An amount of about Rs.19 crores is alleged to have been released on the basis of false declarations and bogus documents.
4. Learned senior counsel appearing for the petitioner – Satpal Wasan has submitted that a substantial number of such loanees had already repaid the loan amount and that an amount of approximately Rs.16 crores stands repaid. It has further been submitted that several of the beneficiaries had opted for 'One Time Settlement (OTS)' Scheme floated by the Bank and have already been granted bail, which would clearly show that there was no dubious intention on the part of any of the loanee. It has been submitted that the petitioner, who has been nominated on the basis of a disclosure statement, is alleged to be an agent and even if the same is accepted to be correct, he has acted on the basis of the documents furnished by the said loanees themselves.

5. Learned counsel representing the petitioner – Sukhdeep @ Sukhdev has submitted that he is alleged to be a sub agent of co-petitioner Satpal Wasan and that he has been nominated on the basis of alleged disclosure statement made by Satpal Wasan and that there is no substantial evidence against him to prove his complicity and since majority of the loanees had repaid the loan, it cannot be said that they had raised loan with an intention of misappropriating or for deceiving the Bank or anybody else.
6. Opposing the petition, learned State counsel has submitted that since upon verification of documents and undertaking/declarations furnished by the loanees, the same have been found to be patently false and they had mortgaged the property, which already stood mortgaged/pledged with some other banks, the complicity of the petitioners, who had facilitated the raising of such loans, is clearly evident. Learned State counsel has also submitted that the involvement of petitioner – Satpal Wasan would be clearly evident from the fact that there is a transaction pertaining to transfer of Rs.27 lakhs from the bank account of the Manager, SBI to the bank account of Satpal Wasan. Learned State counsel has, however, informed that as on date petitioner – Satpal Wasan has been behind bars since the last more than 1 year and petitioner – Sukhdeep has been behind bars since the last about 10 months and that none of the petitioner is otherwise involved in any other case. Learned State counsel has also not disputed the fact that substantial amount of the loan already stands returned. It has also been informed that trail has not commenced so far and that as many as 27 PWs have been cited. Learned State counsel has also not disputed that several loanee had already been granted bail.

7. This Court has considered rival submissions.
8. It is no doubt correct that serious allegations have been leveled against the petitioners pertaining to embezzlement and misappropriation of huge amount. However, it is also not disputed that a substantial amount already stands returned. In any case, without commenting anything as regards the merits of the case, but while noticing that the petitioners have been behind bars for a substantial period of time and that conclusion of trial is likely to consume time inasmuch as trial has not even commenced till date and both the petitioners otherwise enjoy clean record, further detention of the petitioners will not serve any useful purpose. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. A photocopy of this order be placed on the connected file.

23.09.2021

Vimal

(GURVINDER SINGH GILL)
JUDGEWhether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**