

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8320-2022

DATE OF DECISION: MARCH 4, 2022

ROHIT

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PAWAN ATTRI, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.106 dated 3.6.2021, under Section 406, 420, 467, 468, 471 IPC (Section 201, 180, 120-B IPC added later on), Police Station Dhand, District Kaithal, who is in custody since his arrest on 27.9.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Kaithal in the order dated 2.2.2022, are as under:-

“In brief, it is the version of the prosecution that a complaint was received from complainant Dharmendra Kumar, Regional Manager, Central Bank of India in Police Station Dhand, District Kaithal stating therein that on 30.10.2014, Rameshwar, son of Phool Singh had availed a crop loan under Central Kisan Credit Card loan scheme of Rs. 10,00,000/- by mortgaging his land measuring 95 kanals 0 marlas in favour of the bank vide mortgage deed No. 2462/1 dated 29.10.2014. However, Rameshwar did not pay the dues of the bank as agreed and the complainant bank declared his loan account as

NPA. Thereafter, it came to the notice of bank officials that though Rameshwar had mortgaged his land in favour of the complainant bank but the same land was already mortgaged with Bank of India and he had availed the loan facility by mortgaging his same land again with Central Bank of India by giving forged revenue records and thereby committed forgery and cheating with the complainant bank. As the applicant had got loan from other bank earlier, thus, he caused financial loss to the complainant bank, hence action was sought against him.”

Learned counsel for the petitioner has argued that as per allegations by the complainant-Bank, co-accused Rameshwar while obtaining loan had mortgaged the property with the bank without disclosing the fact that the property is already under charge. According to him, the said loan was advanced in the year 2014 and suit for recovery has already been filed by the bank against the borrower. He submits that the investigation of the case is complete, therefore, he be released on bail.

On the other hand, learned State counsel assisted by ASI Subhash Chander while opposing the prayer for bail does not dispute the fact that the alleged transaction of land is of the year 2014 and the borrower was granted concession of pre-arrest bail. According to learned State counsel, the petitioner helped co-accused Naresh in preparing forged documents. He further states that the final report has already been filed before the Court.

Considering the above background, the custody of the petitioner, and the fact that final report has been filed, but charges are yet to

be framed, the further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude. Further, the prosecution witnesses are official witnesses and there does not seem any possibility of their being won-over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

March 4, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No