IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17715-2022 (O&M)
Date of decision: 19.12.2022

Yoginder Singh

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Mamli, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. Gaurav Khera, Advocate
for respondent No.2.

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ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 3rd petition is for grant of anticipatory bail in FIR No.0073 dated 19.03.2019 under Sections 406, 420, 466, 467, 468, 471 IPC, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar; earlier one i.e. CRM-M-27291-2019 was dismissed on merits on 11.09.2019.

The operative part of the order dated 11.09.2019 reads as under: -

"...Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of Manager, Sarva Haryana Gramin Bank, it is stated that petitioner Yoginder Singh has approached the bank for a credit facility of Rs.

11,60,000/- by way of Kisan Credit Card and while obtaining the said credit limit, the petitioner has submitted altered and forged Jamabandis for the years 2010-11 and 2013-14 pertaining to village Nagla Rangran and Lal Chappar, respectively and on the basis of the same, the credit facility was sanctioned in favour of the petitioner. Later on, on verification, it was found that the petitioner has produced the forged Jamabandis by changing the endorsement in the revenue record showing the same to be mortgaged in favour of other financial institutions, from where the petitioner has earlier obtained credit facility and in this way, the petitioner has committed fraud with the complainant-bank. It is also stated that the petitioner, prior to submission of the forged Jamabandis with the complainant-bank, on the basis of the same documents, has obtained credit limit facility of Rs. 20,00,000/- from four other banks by creating a charge on the Jamabandis, which were erased by the petitioner by showing it to be charge free land and in such manner, he has misappropriated the public money.

At the time of issuance of notice of motion, learned counsel for the petitioner has stated that petitioner is ready to substitute the mortgaged property with the complainant-bank, however, today, during the course of arguments, he has stated that the petitioner is not interested in substituting the mortgaged property *and further submitted that since the recovery proceedings against land in dispute have already been initiated by other banks, the complainant-bank can also take its claim before the Court.*

Learned State counsel, on instructions from ASI Satish Kumar, submitted that the petitioner, in a similar manner, has earlier obtained loan against the same land and has committed the offence of forgery, cheating and fraud with the banks by erasing the endorsement of the charge in favour of the four other banks, which were duly reflected in the revenue record, much prior to the time when the petitioner applied to the complainant-bank for obtaining cash credit limit by way of fraud.

Learned counsel for the complainant-bank has also raised similar objections that the petitioner has played a fraud with the bank by producing fake documents.

After hearing learned counsel for the petitioner, I find no ground to grant concession of anticipatory bail to the petitioner. The conduct of the petitioner in playing fraud with the bank in a calculated manner is apparent on record as earlier also, in the revenue record of the land in dispute, the charge of four other banks has been created on account of the fact that petitioner has obtained cash credit limited from those banks and now the petitioner, by preparing fake Jamabandis and making the complainant-bank to believe that the said land is free from all *charges, has fraudulently obtained cash credit limit. Therefore, custodial investigation of the petitioner is required..."*

Present petition has been filed with the representation before this Court that the petitioner has entered into One Time Settlement with the complainant-Sarv Haryana Gramin Bank, Raipur, as per certificate dated 19.07.2022 and has deposited Rs.4.00 lacs towards the loan amount.

Noticing the aforesaid fact, on 28.07.2022, notice was issued to the State as well as the complainant-respondent No.2/Bank and arrest of the petitioner was stayed. Thereafter, on 08.12.2022, learned counsel for respondent No.2-complainant refuted the contention of the petitioner that any amount is paid by the petitioner and submitted that till date, no amount has been paid, as incorrect statement was made that Rs.4.00 lacs have been paid toward the loan amount.

In view of the above, present petition is dismissed.

Considering the fact that FIR was registered on 19.03.2019 and till date, despite dismissal of earlier anticipatory bail petition, the petitioner has not been arrested and the investigation is not complete, Superintendent of Police, Yamuna Nagar is directed to arrest the petitioner within a period of 30 days from today and complete the investigation.

[ARVIND SINGH SANGWAN]
19.12.2022 **JUDGE**
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No