

CRM-M No.24329 of 2021 (O&M)

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

**CRM-M No.24329 of 2021 (O&M)
Date of decision: 14.02.2022**

Avtar Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Bhupinder Ghai, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Gurinder Jeet Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.236 dated 03.10.2020, registered under Sections 420, 465, 467, 468, 471, 120-B IPC, at Police Station City Rajpura, District Patiala.

Brief facts of the case, as noticed in the order of the Additional Sessions Judge, Patiala, are reproduced as under:-

“2. Arguments heard. The instant case was registered on the basis of complaint made by Jarnail Kaur wife of late Bakshish Singh, resident of Village Rampur Khurd, Tehsil Rajpura. A cash credit limit of Rs.90,00,000/- (Rupees ninety lacs only) was sanctioned in her name by Punjab and Sind Bank, Branch Kukkar Majra in the year 2015 for agriculture purposes against the mortgage of her land measuring 36 bighas, situated in

Village Rampura Khurd. The allegation of Smt. Jarnail Kaur is that infact she is an illiterate lady, aged about 76 years. She wanted to get loan of Rs. 15,00,000/- only in order to discharge her liability to the extent of about Rs.13,00,000/- towards Housefed. She had contacted Avtar Singh of her village to help her in getting the loan. Avtar Singh and his son Gurwinder Singh contacted Sukha Singh and Dhian Singh and all of them obtained her thumb impressions on the loan documents and they got sanctioned the limit of Rs.90,00,000/- instead of Rs.15,00,000/- in her name by conniving with the Branch Manager. After the said amount was got released, they gave Rs.14,50,000/- to her and she deposited Rs.13,25,000/- with Punjab Housefed and spent the remaining amount on her household matters. Initially she did not come to know that the loan of Rs.90,00,000/- has been sanctioned in her name. She came to know about this fact only when the bank started proceedings for recovery of the amount in question. In the loan documents Gurwinder Singh son of Avtar Singh was shown as co-borrower and in the loan papers the name of his father was wrongly mentioned as 'Mohinder Singh' instead of 'Avtar Singh'. A joint account of Jarnail Kaur with said Gurwinder Singh was also got opened. The complainant further alleged that even her fake ration card showing her as resident of Village Kheri Bhai Ka was got prepared by Avtar Singh, Gurwinder Singh, Dhian Singh and Sukha Singh so that loan could be obtained from the branch situated at Village Kukkar Majra. Out of the loan amount, the amount of Rs.50,00,000/- was admittedly transferred to the bank account of accused Avtar Singh and amount of Rs.25,00,000/- was transferred to the account of his son Gurwinder Singh.

3. Learned counsel for the applicants-accused has argued that infact Jarnail Kaur obtained loan of Rs.90,00,000/- by mortgaging her land. He has conceded that out of the loan amount, Rs.50,00,000/- had been transferred to the bank account of Avtar Singh and Rs.25,00,000/- had been transferred to the account of Gurwinder Singh. However he submits that lateron Jarnail Kaur accompanied them to the bank and said amount was withdrawn from the bank accounts in her presence and she received the said amount

from both the accused-applicants. He has argued that accusedapplicant Avtar Singh is in custody since 15.1.2021 and accused-applicant Gurwinder Singh is in custody since 23.1.2021 and they should be granted bail.

4. On the other hand, learned Addl. Public Prosecutor and learned counsel for the complainant have argued that applicants-accused have played fraud upon an old lady. Not only this case, a number of other cases of similar nature are registered against them. They should not be released on bail as in case of grant of bail, they can flee away.”

Counsel for the petitioner has argued that, in fact, the complainant has obtained a loan of Rs.90.00 lacs, out of which Rs.50.00 lacs were transferred in the account of the petitioner – Avtar Singh, at the same time, when the loan was disbursed.

The only argument made by counsel for the petitioner is that the complainant had gone to the Bank and has put her thumb-impression on the withdrawal form, however, this fact is not disputed by counsel for the petitioner that the amount of Rs.50.00 lacs were transferred in the account of the petitioner for which there is no valid explanation on record.

Counsel for the State assisted by counsel for the complainant has not disputed the factual position but opposed the prayer for bail.

Reply by way of affidavit of the Deputy Superintendent of Police, Sub-Division Rajpura, District Patiala, is on record in which after verifying the facts of the FIR, it has come in the investigation that on 22.07.2015, the petitioner along with his son Gurwinder Singh and others, took the complainant to Punjab & Sind Bank, Branch Kukkar

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Majra, District Fatehgarh Sahib, where she gave her thumb-impressions on the loan documents and took a loan of Rs.90.00 lacs and thereafter, the they took Rs.50,000/- as commission from the complainant. Again, during the investigation it has come that after the loan was sanctioned, the petitioner got Rs.50.00 lacs transferred in his account and Rs.25.00 lacs in the account of his son Gurwinder Singh and only Rs.15.00 lacs were given to the victim, who came to know about the fraud when she received a notice from the Bank. The affidavit also states that the petitioner is involved in 03 more FIRs i.e. FIR No.53 dated 02.06.2019 under Sections 341, 323, 324, 341 IPC, Police Station Banuris, FIR No.80 dated 10.04.2019 under Sections 419, 420, 467, 468, 471, 120-B IPC, Police Station City Rajpura and FIR No.91 dated 20.09.2018 under Sections 406, 420, 120-B IPC, Police Station Banuris, which reflects his criminal bent of mind. The son of the complainant is also a co-accused in FIR No.53, apart from another FIR No.410.

Accordingly, I find no merit in the present petition and the same is hereby, dismissed.

Nothing observed herein shall be construed as an expression of opinion on merits of the case.

(ARVIND SINGH SANGWAN)
JUDGE

14.02.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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