

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

CRM-M-27791-2022
Decided on :30.06.2022

Jubair

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 410 dated 08.06.2022 registered under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Sector-8, District Faridabad.

Learned counsel for the petitioner has submitted that as per the FIR, the primary allegations have been levelled against the brother of the petitioner and the brother's wife and the petitioner is residing separately from the said brother and does not have any connection with his brother and thus, deserves the concession of anticipatory bail.

This Court has heard learned counsel for the petitioner and has perused the paperbook.

A perusal of the FIR would show that the petitioner, alongwith his two other brothers namely Shakeel and Jamshed as well as Kismati, wife of Jamshed, has committed a fraud with the complainant.

It has been specifically alleged in the FIR that the present petitioner and his brother Shakeel came to the house of the complainant about one year prior to the date of the complaint dated 02.11.2021 and had offered to engage the tractor of the complainant at the airport for water supply and had taken the copies of his Aadhaar card, PAN Card, Registration Certificate No. HR 52 E 4467 of the tractor on the pretext of showing the same to the concerned officers of the department and the petitioner and his brother had taken photographs of the said documents and had informed the complainant that the money which is to be paid to the complainant would be deposited in his Bank account and the complainant, on the basis of the fraudulent inducement by the petitioner and his brother, believed the same. When on 07.09.2021, the complainant had gone to the Sarv Haryana Gramin Bank, Aherwan for taking loan against his land, he was astonished to find out that one loan of Rs.20 lakhs from Induja Finance Leyland had already been taken in the name of the complainant and thereafter, the complainant went to Induja Finance Leyland Ltd. Ajrona More Ballabhgarh, Faridabad and after making enquiries, learnt that the documents i.e. copy of the Aadhaar Card, PAN Card of the complainant and his son Jamshed (s/o Noor Mohammad) were found to be attached there and a loan had been taken by Kismati W/o Jamshed (co-accused) and the said loan application did not bear the signatures of the complainant or of his son and thus, had been forged and fabricated by the petitioner and the other accused who had misused the documents which the petitioner and his

brother had taken from the complainant. It is alleged that Kismati was shown as wife of the son of the complainant whereas the wife of the complainant's son is Sanjeeda. He further found out that the accused persons in collusion with each other had taken loan from three Banks finances by changing photographs and father's name of the son of the complainant Jamshed. The loan of Rs.50 lakhs was also taken from the Axis Bank, Gurugram in a fraudulent manner. Learned Sessions Judge/Vacation Judge, Faridabad had observed in paragraph 5 of the order dated 23.06.2022 (Annexure P-2) that the petitioner alongwith his brothers and sister-in-law, had misused the documents fraudulently obtained from the complainant and had even forged the signatures on the loan documents after hatching a conspiracy and had mortgaged the land of the complainant while obtaining the loan and had purchased vehicles i.e. one Pop Land Machine, JCB Machine and two tractors make Sonalika and Farm Tractor-60 by hypothecating the land of the complainant and the Court had dismissed the bail application of the petitioner. The abovesaid allegations and the prosecution case clearly shows that the petitioner and the other accused have committed a fraud of a very high magnitude against the complainant. The argument of the learned counsel for the petitioner to the effect that the petitioner is residing in a separate house from that of the brother of the petitioner does not even remotely hold good as no document, much less the ration card of the petitioner or his brother, has been annexed to show that they are living separately. Moreover, at any rate, the said argument would not

further the case of the petitioner inasmuch as, even if the two brothers were to be living in two separate houses then also it cannot be said that they could not have committed fraud by hatching a conspiracy with each other. There are specific allegations levelled in the FIR against the present petitioner. Moreover, the recovery of the vehicles purchased by hypothecating the land of the complainant are required to be recovered from the petitioner and thus, the custodial interrogation of the petitioner is necessary.

Keeping in view the abovesaid facts and circumstances, the present petition is dismissed.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition

(VIKAS BAHL)
JUDGE

June 30th,2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No