

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

216

CRM-M-35357-2021

Date of Decision: 21.09.2022

Davinder Singh @ Jagtar Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vivek Salathia, Advocate,
for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Talwinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.92, dated 22.06.2019 at Police Station Cantonment, District Amritsar, under Sections 419, 420, 465, 467, 468, 471, 120-B IPC.
2. The FIR in question was lodged at the instance of Mr. Rakesh Kumar, Branch Manager, Bank of India, East Mohan Nagar Branch, Amritsar, wherein it is alleged that a loan of Rs.30 lakhs had been raised by Jagtar Singh (real name Davinder Singh), wherein Surinder Singh had appeared as a guarantor. The draft in respect of Rs.30 lakhs had been issued in favour of Parminder Kaur, the alleged owner of the property which Jagtar was to purchase. It is the case of prosecution that the entire loan had been raised on the basis of forged and fabricated documents and upon inquiry Parminder Kaur in whose favour the cheque had been

issued could never be found anywhere, whereas a bank account in her name had been opened in Punjab National Bank, Majitha Road, Amritsar. It is further the case of prosecution that Simarjit Singh @ Simar Jit Dhanda was working as a Bank Manager in Bank of India from where the loan had been raised and was hand in gloves with the co-accused and intentionally overlooked the fact that forged and fabricated documents had been furnished by the accused for the purpose of raising the loan. It is further the case of prosecution that Jagdeep Singh, who is owner of the premises where Punjab National Bank is situated wherein the draft in question had been deposited, had facilitated the raising of loan on the basis of forged and fabricated documents and was constantly in touch with Simarjit Singh. It is further the case of prosecution that Gurmeet Singh was also conniving with the other co-accused for the purpose of forging and fabricating documents and for arranging and projecting false witnesses and had ultimately facilitated withdrawal the amount of Rs.30 lakhs from the bank account opened in the name of Parminder Kaur, whereas no such person by the name of Parminder Kaur has been traced by the police.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the instant case. It has further been submitted that petitioner in any case has been behind bars since the last about 1 year & 5 months and since conclusion of trial is likely to consume time, the petitioner deserves the concession of bail. It has also been submitted that since co-accused, namely, Simarjit Singh, Jagdeep Singh and Gurmeet Singh @ Goldy already stand released on bail by this Court vide order

dated 17.03.2022, the petitioner also deserves the same concession on grounds of parity.

4. On the other hand, learned State counsel has submitted that since the petitioner has defrauded the bank by way of raising a loan on the basis of forged and fabricated documents, no case for grant of bail is made out. It has, however, been informed that the petitioner as on date has been behind bars since the last about 1 year & 5 months and that although challan has been presented, but charges are yet to be framed and as many as 20 PWs have been cited.
5. This Court has considered rival submissions.
6. Having regard to the fact that the petitioner has been behind bars for a substantial period of about 1 year & 5 months and is stated to be having a clean record and that the co-accused of the petitioner have already been granted bail, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume time inasmuch as not even a single witness out of the cited 20 PWs has been examined so far. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

21.09.2022

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