

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-32977-2022

Date of Decision:-12.12.2022

Mandeep Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Jitender Singh Dadwal, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer under Section 438 Cr.PC is for grant of anticipatory bail in case bearing FIR No.0073 dated 04.07.2022 under Sections 420, 406, 120-B IPC registered at Police Station Shimlapuri, District Ludhiana.

The brief facts of the case are that a complaint was given by Karamjeet Kaur widow of Harpal Singh who stated that in January 2021 she had a talk with Aarti and Mandeep Singh (petitioner) owner of Hardeep Furniture House for obtaining a loan. The demanded proofs from her i.e. Aadhaar Card, Pan Card, Bank passbook and also obtaining her signatures on a form. They told her that a loan of Rs.5 (l) had has been sanctioned for her. A sum of Rs.4500/- was given to her out of Rs.5,000/- by deducting Rs.500/- as file charges. She was told that she had to repay the loan amount in five equal monthly installments of Rs.11000/- each. After a few days

she got a message on her phone from IDFC Bank that the loan was of Rs.20,600/-, installment of which was Rs.17,600/-. After 15 days she got a second message that there was a loan of Rs.17,600/- due against her, installment of which was to be paid by coming to the bank. She went to the IDFC Bank where the Manager and bank staff told her that the loan had been obtained by Hardeep Furniture House on her behalf. In fact she had no knowledge about the loan as she had never obtained a loan of Rs.5,000/- from Hardeep Furniture House. Based on these allegations, the FIR came to be registered.

The Counsel for the petitioner contends that the petitioner is a salaried employee of Hardeep Furniture House whose proprietor was Hardeep Singh. All the transactions of the said firm were done from the bank account of Hardeep Singh who was the owner and proprietor. The loan which was sanctioned and obtained by the complainant was passed by the IDFC Bank and the transaction amount has been shown in the account of Hardeep Singh. All the necessary documents were issued under the signatures of Hardeep Singh who was liable if at all. The present FIR had been registered after a delay of one year for which there is no explanation. Even otherwise, the petitioner was merely an employee and, therefore, was entitled to the concession of pre-arrest bail.

The Counsel for the State on the other hand while referring to the reply dated 22.09.2022 contends that a preliminary inquiry was conducted by the police on the basis of complaint dated 23.06.2021. During the course of inquiry it was found that Hardeep Singh had opened a furniture house in the ground floor of his house and the petitioner was managing his work. In fact the petitioner had advised Hardeep Singh to

open the furnishing house. The petitioner along with Aarti started advertising about Hardeep Furniture House at various villages of Ludhiana. They started calling innocent people to the furniture house started filling their loan files and thus they fell in the trap of the petitioner and his co-accused. The amount of loan which was credited in the account of Hardeep Singh was withdrawn by the petitioner on the pretext that he was to purchase products which were to be delivered to the customers. Regarding this invoices were issued by Hardeep Singh and GST amount had been deposited by him with the government. In fact the petitioner had committed similar type of offences with other innocent persons also. Thus the petitioner, his associate Aarti and bank official Chirag had committed the offence of cheating with various persons. They had obtained loans on the names of other persons. Money came to be deposited in the account of Hardeep Singh and thereafter the amount was withdrawn by the petitioner. While referring to the reply dated 22.11.2022 he contends that statement of Rajwinder Kaur wife of Jaswant Singh, Harjit Kaur wife of Rajinder Singh, Sarabjit Kaur wife of Gurcharan Singh, Harjit Kaur wife of Harchet Singh, Bhupinder Kaur @ Binder wife of Amarjit Singh, Paramjit Kaur wife of Amarjit Singh, Neelam Rani wife of Manjit Singh were recorded. All of them stated that the petitioner and his co-accused Aarti had told them that they were running a shop in the name of Hardeep Furniture and Electronics where they provided beds, sofa sets, sofa-cum-bed etc., on installments and could provided a loan facility regarding the same. On this pretext, they took Aadhaar Card, Pan Card, and details of bank accounts, clicked their photographs and obtained loans on their names. He contends that petitioner is the main accused who along with Aarti and Chirag had committed fraud

with innocent people by applying for loans on their behalf and thus the petitioner was not entitled to the grant of anticipatory bail.

I have heard learned Counsel for the parties at length.

A perusal of the record would reveal that the statements of as many as 07 victims have been recorded. Their consistent version is that the petitioner along with Aarti in connivance with the officials of the bank obtained loans on their names and embezzled the bank routing the amounts through the accounts of Hardeep Furniture house.

The nature of allegations against the petitioner and his co-accused does not entitle him to the grant of bail. Further the investigation must be taken to its logical conclusion and for the said purpose, the custodial interrogation of the petitioner is certainly necessary.

In view of the above, I find no merit in the present petition and the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

December 12, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>