

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

206

**CRM-M-34473-2022
Date of Decision : 10.10.2022**

Kulwant Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. R.S. Dadwal Advocate
for the petitioner.

Mr. Gurpreet Singh Sandhu, D.A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.121 dated 15.07.2022 registered under Sections 420, 465, 467, 471 and 120-B of the Indian Penal Code, 1860 at Police Station City Jagraon, District Ludhiana (Rural).

The above-said FIR has been registered on the basis of the complaint made by complainant Harbans Singh alleging that he is having three brothers. Their father Major Singh had given land measuring 6-1/2 kilas to them in the year 1995 by way of land comprise decree but the mutation of this land was to be sanctioned in their favour after the death of their father. The petitioner as well as the officials of the ICICI Bank, Jagraon were well aware of the fact that due to decree of the Court, their father could not raise loan over the land and he could not pledge or mortgage it, but he could use the earnings of this land.

The petitioner in the year 2014 in connivance with the bank officials, raised loan of Rs.8,00,000/- on the land in question by preparing no objection certificate by forging signatures of the complainant and his brothers and the petitioner himself used the entire loan amount.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. All the loan amount has already been paid. The matter has been resolved between the parties vide compromise deed dated 20.08.2022. The NOC dated 25.08.2022 has already been issued by the Bank. The petitioner is already ready and willing to join the investigation.

On the other hand learned State counsel opposes the present petition on the ground that there are specific allegations against the petitioner for forging the signatures of his brothers on the no objection certificate submitted by him at the time of raising loan. The petitioner is one of the co-applicant in the loan and direct beneficiary of the loan transaction.

I have heard learned counsel for the parties and gone through the record.

Keeping in view the facts and circumstances of the case, the fact that the matter has been compromised between the parties, the loan amount has already been paid, the present petition for anticipatory bail is allowed and in the event of arrest, the petitioner shall be released on bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of the Cr.P.C.

It is made clear, in case the petitioner fails to join the investigation, then the State could be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

10.10.2022
Kothiyal

(ASHOK KUMAR VERMA)
JUDGE

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