IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44449-2021 (O&M)

DATE OF DECISION: FEBRUARY 2, 2022

GURPEJ SINGH ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PANKAJ BALI, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

CRM-2797-2022

Application is allowed. Annexure P-3 is taken on record.

CRM-495-2022

This is an application for preponement of the main case to today.

As the main case is already listed for hearing today, therefore, the application has rendered infructuous and is dismissed as such.

Main Case

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.118 dated 16.6.2021, under Section 406, 420, 467, 468, 471, 120-B IPC, Police Station Dhand, District Kaithal, who is in custody since his arrest on 30.6.2021.

The allegations contained in the FIR as noticed by the Sessions Judge, Kaithal in the order dated 30.9.2021, are as under:-

> "*Complaint has been filed by Regional Manager, Central Bank of India, Regional Office-Karnal on behalf of Bank. It has been alleged therein that: Gurpej Singh-applicant*

approached Bank's Branch at Ahun, for providing "Crop Loan facility under Central Kisan Credit Card Scheme". He submitted loan application on 8.1.2015 to Bank for granting said credit facility alongwith other related land documents showing his ownership on the property claiming to be unencumbered property, proposed to be mortgaged as security for said loan facility. Relying upon those documents; on 8.1.2015, Bank-complainant in good faith sanctioned "Crop Loan of Rs.15 lacs under Central Kisan Credit scheme" to Gurpej Singh-applicant. For getting said loan; mortgage deed & other documents were prepared by applicant-accused and land measuring 106 Kanals and 10 Marlas were mortgaged through registered mortgage-deed in favour of Bank through Tehsil office-Assandh. Mortgage deed No.3013/1 dated 24.12.2014 was received in Branch Office-Ahun. Later on, borrower (applicant) started defaulting in paying Bank dues. Resultantly, account turned to NPA on 31.3.2018. When Bank enquired the land records from Tehsil office for initiating recovery action; it came to its notice that actual land owned by borrower is only 12 Kanals which already stood mortgaged to other Bank by borrower. He declared having 106 Kanals 10 Marlas of land with complainant Bank to avail loan. It is alleged that property offered by borrower as security to Central Bank of India for getting loan facility does not exist in actual name of borrower. Borrower Gurpej Singh (applicant) has prepared forged and fictitious documents in connivance with other unknown person for getting loan facility and defrauding the Bank."

Learned counsel for the petitioner has argued that the complainant-Bank implicated the petitioner for the alleged commission of offence of cheating as the petitioner obtained loan of ₹15 lakhs by showing himself to be the owner of land measuring 106 kanals and 10 marlas, whereas infact later on, it was found that the petitioner is the owner of only 12 kanals of land. Learned counsel has further argued that the loan was taken in the year 2016, whereas the FIR was lodged in the year 2021. According to him, the petitioner is willing to settle the loan amount with the Bank. In this regard, he has invited the attention of the Court to his request Annexure P-3 moved before the Bank. He prays for regular bail.

On the other hand, learned counsel for the State assisted by SI Raj Kumar has opposed the aforesaid prayer, however, it is not disputed by him that after completion of investigation, the final report stands filed on 13.9.2021 and the charges were framed against the petitioner on 12.10.2021. However, according to him, no prosecution witness has been examined out of total 11 witnesses.

Considering the above background as well as the fact that the offences are triable by Magistrate and the conclusion of trial is likely to take considerable time, therefore, further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 1.7.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

February 2, 2022 **(MANOJ BAJAJ)**
Gulati **JUDGE**
Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No