

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

CRM-M-40136-2020 (O&M)

Date of decision: 18.05.2022

Harbhajan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Suvir Sidhu, Advocate and
Mr. Gursher Dhillon, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Gurinder Jit Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR
No.236 dated 03.10.2020 registered under Sections 420, 465, 467, 468, 471,
120-B IPC at Police Station City Rajpura, District Patiala.

The operative part of the order dated 03.12.2021, vide which
the petitioner has been granted interim bail, is reproduced below:

“Learned senior counsel for the petitioner has
argued that the petitioner – Harbhajan Singh was, in fact,
the Branch Manager of the Punjab & Sind Bank and as per
the allegations in the FIR, registered at the instance of one
Jarnail Kaur, the co-accused Avtar Singh, Gurwinder
Singh son of Avtar Singh, Dhian Singh son of Mall Singh,
Gurwinder Singh son of Mohinder Singh, Sukha son of
Dalli Ram, as well as the present petitioner – Harbhajan
Singh, have conspired with each other and by mortgaging
the land of the complainant, a loan of Rs.90.00 lacs was

sanctioned, though, the complainant never intended to take the loan and she had to take the loan of Rs.50.00 lacs only.

Learned senior counsel for the petitioner has referred to certain documents to submit that in fact at the time when the loan was sanctioned, the verification of all the documents was done by the Appraisal Officer. It is further submitted that there is no direct allegations against the petitioner and it has come during the investigation that after the loan of Rs.90.00 lacs was disbursed to the complainant by way of RTGS, she has withdrawn an amount of Rs.40.00 lacs against a cheque on which she thumb-marked at the counter of the bank on 22.07.2015 and the another amount of Rs.50.00 lacs was transferred in the account of Avtar Singh on 28.07.2015. It is further submitted that the said amount was taken by Gurwinder Singh, who is the son of Avtar Singh.

Learned senior counsel for the petitioner has also submitted that after the DRT proceedings were initiated against the complainant on account of non-payment of the installments of the loan, the entire defence has been created that the complainant never wanted to obtain the loan of Rs.90.00 lacs.

Learned senior counsel for the petitioner has also referred to a revival letter, which is duly thumb-marked by the complainant – Jarnail Kaur as well as the co-accused Gurwinder Singh regarding acknowledgment of the promissory note dated 22.07.2015 for Rs.90.00 lacs and further acknowledge to pay interest as per Section 18 of the Indian Limitation Act, 1983. It is also argued that all the original documents have been placed before the D.R.T. and despite service, none has appeared and therefore, no conspiracy on the part of the petitioner is there as the Kisan Credit Card Limit was made after verifying all the

documents of the complainant. It is lastly, submitted that it is not the case of the complainant that on the basis of any forged document, the loan has been disbursed or by impersonating the complainant, the loan has been disbursed rather the only case of the complainant is that the amount has been taken by the co-accused Gurwinder Singh and Avtar Singh from the Bank.

List again on 18.05.2022.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 03.12.2021, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Jaswinder Pal, assisted by learned counsel for the complainant, has not disputed the factual position and submits that the petitioner has joined the investigation and he is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 03.12.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

18.05.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No