

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41942-2022 (O&M)
Date of decision: 19.09.2022

Avtar Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rohit Kaushik, Advocate
for the petitioner.

Mr. S.S. Goripuria, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.80 dated 10.04.2019 under Sections 419, 420, 467, 468, 471, 120-B IPC, registered at Police Station City Rajpura, District Patiala; earlier one was dismissed vide order dated 14.02.2022.

Learned counsel for the petitioner submits that new ground to file this second petition is that the petitioner is in custody for the last 08 months and 23 days; charges have been framed and since it is a case triable by the Magistrate, it will take long time in conclusion of the trial, as only two PWs have been examined so far.

Brief facts of the case are that the FIR was registered on the complaint given by Bhag Singh, Chief Manager, State Bank of India, Main

Branch Rajpura, against the accused persons including the petitioner – Avtar Singh with the allegation that the petitioner has taken a loan in his name and in the name of his son Parminder Singh and Gurwinder Singh by mortgaging his loan, however, it came to the notice of the Bank that the petitioner has taken the loan from the other Banks also and Rajvir Singh (co-accused) has sold the land in which the petitioner stood as a witness knowing all the facts.

Learned counsel further submits that the petitioner is an attesting witness to the mortgage deed and the beneficiary Rajvir Singh has already been granted the concession of regular bail vide order dated 15.07.2021 passed in CRM-M-20776-2021, considering that he deposited Rs.2.00 lacs in the loan account of complainant-SBI, as the loan was taken by Rajvir Singh impersonating himself as his father. It is also submitted that the petitioner is not a beneficiary and has undergone the substantive judicial custody.

Learned State counsel has filed the custody certificate dated 19.09.2022 in the Court today, which reflects that the petitioner is involved in three more cases/FIRs No.53 dated 02.06.2019 under Sections 341, 323, 324, 341 IPC, Police Station Banuris, FIR No.80 dated 10.04.2019 under Sections 419, 420, 467, 468, 471, 120-B IPC, Police Station City Rajpura and FIR No.91 dated 20.09.2018 under Sections 406, 420, 120-B IPC, Police Station Banuris. It is submitted that all these FIRs relate to similar types of loans, where the petitioner being ex-Sarpanch was one of the attesting witness and is not the beneficiary in any manner.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed

to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

19.09.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No