

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

CRM-M-48511-2022

Date of Decision: 21.11.2022

Tej Singh Chauhan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Aman Pal, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.30 dated 21.01.2022 at Police Station City Kaithal, District Kaithal, under Sections 406/409/420/467/468/471/120-B IPC.
2. The FIR was lodged at the instance of Naresh Kumar, Branch Manager, Central Bank of India, Kaithal, wherein it has been alleged that a crop loan to the tune of Rs.12 lakhs had been advanced to Sahdev, but later it was revealed that forged and fabricated revenue documents had been furnished for the purpose of advancing the said loan.
3. Learned counsel for the petitioner has submitted that the petitioner came to be nominated as an accused on the premises that he was working as a Bank Manager of the branch concerned where the loan documents have been processed. It has been submitted that the prospective loanees were

introduced by co-accused Pankaj and that as per the investigation, the forged revenue documents had been prepared by co-accused Resham Singh and that as such the petitioner had no role whatsoever and that whatever documentation had been done, the same was in discharge of his official duties and he had no clue whatsoever that the documents were forged. It has also been submitted that the petitioner already stands released in 8 other identical cases. Lastly, it has been submitted that in order to prove his bonafides, the petitioner is willing and ready to deposit Rs.1 lakh before the trial Court without prejudice to his right of defence and subject to final outcome of the case.

4. Opposing the petition, learned State counsel has submitted that the petitioner cannot feign ignorance about the documents being forged and that it was his duty to get the revenue documents verified before sanctioning the loan in question. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 6 months and that he stands involved in 12 other cases. It has also been informed that although challan has been presented, but charges are yet to be framed and as many as 18 PWs have been cited.
5. This Court has considered rival submissions.
6. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars for a substantial period of more than 6 months and that the trial has not even commenced till date inasmuch as even the charges have not been framed so far and as many as 18 PWs have been cited, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The

petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. However, as per his offer, the petitioner shall deposit an amount of Rs.1 lakh before the trial Court/Illaq Magistrate within a period of 4 weeks from today, which shall be got invested in FDR in some Nationalized Bank. The trial Court/Illaq Magistrate shall, however, issue specific directions to the Bank concerned not to entertain any request for encashment of the same except under orders of the Court. In case, the petitioner is ultimately found guilty and convicted and such conviction attains finality, the complainant shall be entitled to proceeds of said FDR. However, in case the accused/petitioner is found innocent and such acquittal attains finality, the petitioner shall be entitled to proceeds of the said FDR along with interest.

21.11.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**