

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-10669-2023 (O&M)
Date of Decision:-9.3.2023

Balwan Singh Dagar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Thakur, Advocate,
Mr. Nishant Nain, Advocate and
Mr. Kumar Ankit, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.305, dated 11.10.2017 at Police Station Julana, Jind, under Sections 420, 467, 468 and 471 of Indian Penal Code.
2. The allegations, in nutshell are that Balwan Singh Dagar (petitioner) was having a saving bank account with Oriental Bank of Commerce, Julana, District Jind. It is alleged that a cheque bearing No.262279 dated 10.07.2017 amounting to Rs.1,20,75,487/- was purported to have been issued by 'SBI Life Insurance Company' and the same was submitted by him in the drop box with a pay in slip of the same date for credit to his bank account. The said branch entered the cheque and sent the same for collection to State Bank of India, Branch Julana on 11.07.2017. However, on 14.07.2017, the said

cheque was returned by SBI, Julana with the reason that 'amount in words and figures differed and title of the cheque was doubtful'. The bank, thus, investigated the matter. A copy of e-mail dated 13.07.2017 (Annexure P-5) received from SBI Life Insurance Company to SBI, Julana was received vide which SBI, Julana was requested not to honour the cheque as it was issued for Rs.19/- only on 06.05.2017 in favour of one Ms. Babita Devi. It was also mentioned therein that font used in the said cheque was incorrect and IFSC code mentioned was also wrong. It was a high value cheque with incorrect facsimile signature. Upon request of the bank, FIR was registered and investigation ensued. The case of the prosecution is that the petitioner committed a fraud as cheque No.262279, dated 06.05.2017 for Rs.19/- in the name of Ms. Babita Devi was manipulated. In the said cheque, petitioner altered the amount of Rs.1,20,75,485/- in words but in figures the amount was written as Rs.1,20,75,487/-.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the FIR came to be lodged after the petitioner had instituted a complaint under Section 138 of Negotiable Instruments Act against SBI Life Insurance Company on account of dishonour of the cheque in question. Learned counsel has further submitted that the matter, in any case, is based on documentary evidence and since the cheque in question had already been taken into possession by the police, which had been taken from the Court, where the proceedings regarding complaint under Section 138 of N.I. Act was pending, it would not be a case where detention of the petitioner would serve any purpose particularly when challan already stands presented.

4. Opposing the petition, learned State counsel has submitted that the petitioner having forged and fabricated the cheque in question, which had infact been issued in favour of one Babita Devi for an amount of Rs.19 only had evidently made an attempt to defraud the bank. Leaned State counsel has further informed that since the petitioner is a seasoned criminal having been involved in 3 other cases in respect of different offences i.e. under Sections 354, 323 of Indian Penal Code and Section 25 of Arms Act, it will not be safe to release the petitioner on bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 8 months and that none out of the cited 18 PWs has been examined and charges are yet to be framed.
5. This Court has considered the rival submissions addressed before this Court.
6. It is no doubt correct that specific allegations have been levelled against the petitioner. However, it goes without saying that investigation is complete and the petitioner otherwise has been behind bars for a substantial period of more than 8 months. Conclusion of trial is likely to consume time inasmuch as charges are yet to be framed and as many as 18 PWs have been cited. 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.

9.3.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No