

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

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CRM-M-18067-2022 (O&M)

Date of decision: 09.05.2023

Ekta Sharma

....Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Jasdeep Jasuja, Advocate for the petitioner

Mr. Dhruv Sihag, AAG Haryana

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 482 of Cr.P.C. for seeking free and fair investigation in case of FIR No.220 dated 17.06.2021 registered under Sections 406, 420, 467, 468, 471 IPC at Police Station Nissing, Karnal.

2. Notice of motion was issued on 29.04.2022, pursuant thereto reply by way of an affidavit of Shashank Kumar Sawan, IPS, Superintendent of Police, Karnal has been filed in the Court. Same is taken on record.

3. Learned State counsel submits that 03 accused including one ex-employee of L&T Finance Company have been chargesheeted after conducting an investigation. He makes a reference to paras 5, 6, 7 and 8 of the reply, which read thus:-

“5.That during the course of investigation on 11.06.2022 and 21.06.2022, notices were given to Manager Axis Bank, Peont Branch as well as to Incharge L & T Finance Company, Sector 12, Karnal. Similarly, Notice under Section 91 of Cr. P.C. dated 15.07.2022 also given to Manager Axis Bank, Peont as well as to Manager L&T Finance Services, Karnal to furnish the information sought for therein, but till date, neither the Branch Manager of Axis Bank has joined the investigation nor furnished the requisite information. It has been specifically mentioned by the L&T Finance Company in its reply that "On

the basis of aforesaid response we wish to submit that two wheeler loan was sanctioned and disbursed to Ekta Sharma on 13.01.2020, which was sanctioned through mobile application after due verification done by our Field Sales Officer namely Anurag Deshwal. On receipt of police notice earlier an internal inquiry was conducted and it was observed that Ekta Sharma is an intentional defaulter and falsely alleged to have not applied or availed any Two Wheeler loan from the Company. Further, it was also confirmed the customer Ekta Sharma is still using her registered mobile number on which mobile OTP T/W application login authentication succeeded. However, in this case, the Company has also observed breach of code of conduct by FLS Anurag Deshwal, by the way of sharing his ID and password. Hence, he was terminated from the services. Till date 3 EMIS have been received from the same customer's registered mobile number via cash mode. Welcome letter was also triggered at customer's same registered mobile number. As on date loan account is delinquent is total an amount of Rs 88,963.98/- payable and account is running in DPD of 386 days. Further with regard to status of two wheelers, we wish to inform that the same is in custody of Police Station.

6. That accused Jitender is on interim bail and Challan has been filed against him. Specimen handwriting of Jitender has been obtained and specimen handwriting of petitioner is to be obtained on 02.08.2022. Further, accused Shubham who had initiated process for opening bank account in the name of Ekta Sharma and gave cheque book to Jitender has been arrested on 29.07.2022 and sent to judicial custody and now he is on bail.

7. That after collecting sufficient incriminating evidence against accused Anurag Deshwal ex-employee to L&T company, he was arrested in the present case on 10.09.2022. He suffered his disclosure statement by admitting his crime. On 11.09.2022, he was produced before the Id. Illaqa Magsistrate, Karnal and he was sent to judicial custody in district Jail, Karnal and now he is on bail. Specimen signatures of accused Jitender Sharma and Ekta Sharma, were sent to FSL (H) Madhuban, District Karnal for examination and same was received vide opinion No. 22/FSLMBN/2209295309 dated 16.01.2023, in which, it was found that the forged signatures made on loan agreement form were found made by Jitender Sharma in the name of Ekta Sharma.

8. That thereafter on 17.02.2023, interim bail of accused Jitender Sharma was dismissed by the Ld. Court of Sh. Aakashdeep Mahajan, Addl. Sessions Judge, Karnal. Thereafter, he had filed CRM-M No. 10381 of 2021 titled Jitender Sharam versus State of Haryana and same was dismissed as withdraw vide order dated 20.04.2023 and counsel of the petitioner prays to surrender the petitioner before the Ld. Trial Court. During the course of investigation, role of Sohan Lal owner Jai Maa Auto Agency was not found in committing the crime in the

present case. After completion of the investigation, supplementary challan has been submitted against accused Shubham and Anurag before the ld. Trial Court on 12.04.2023. Charge has not been framed by the Ld. Trial Court so far. Now, the case is fixed on 24.05.2023, before the Ld. Court of Sh. Parteet Singh, JMIC, Karnal for appearance of accused persons.”

- 4. This satisfies the learned counsel for the petitioner, who prays for the withdrawal of the petition.
- 5. Ordered accordingly.

(AMAN CHAUDHARY)
JUDGE

09.05.2023
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No