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

CRM-M-20451 OF 2023

DATE OF DECISION: 03.07.2023

Sukhchain Singh**...Petitioner****Versus****State of Punjab****...Respondent**

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Jasmail Singh Brar, Advocate,
For the petitioner.

Ms. Guramrit Kaur, DAG, Punjab assisted by
ASI Kulwant Singh.

ARUN MONGA, J. (ORAL)

CRM-18314-2023

Application is allowed, as prayed for, subject to all just exceptions.

Main case

Petitioner seeks bail in case FIR No.037 dated 01.03.2023, registered under Sections 420, 465, 468, 471, 120-B IPC at Police Station, Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. According to the First Information Report (FIR), Darshan Singh, father of petitioner herein, obtained a loan of Rs.12,00,000/- from Union Bank of India, New Grain Market, Sri Muktsar Sahib, by mortgaging his land measuring 105 Kanals 01 Marla. The loan, provided for agricultural purposes, was disbursed to Darshan Singh on 18.10.2014 when Pawan Wadhwa served as the branch manager. Subsequently,

Darshan Singh fraudulently redeemed his land situated at village Udekaran, Lubianianwala, and Seerwali using a fake redemption certificate, which he acquired in collusion with Patwaris. Later, he availed a Kisan Credit Card (KCC) limit from State Bank of India, Branch Jalalabad Road Sri Muktsar Sahib. To deceive the bank, Darshan Singh in collusion with his son (petitioner herein) presented a letter dated 22.03.2016, purportedly signed by Pawan Wadhwa, stating that he had no outstanding dues. Additionally, he renewed the loan documents. As a result, Darshan Singh defrauded the bank of Rs.12,00,000/-, which currently amounts to Rs.21,25,682.16 plus interest as of 01.07.2021.

3. Learned counsel representing the petitioner argues that the petitioner has been falsely implicated and has not committed any offence. Petitioner deposited a sum of Rs.12,60,000/- with the bank on 06.03.2016, and vide a duly stamped voucher, the then branch manager had verified this transaction. Furthermore, the mortgaged land was released based on a No Dues Certificate dated 22.03.2016. He points out that it is crucial to note that the FIR in question was registered after a delay of seven years. Additionally, the counsel asserts that the petitioner is not involved in any other case.

3.1. The counsel further contends that the petitioner was arrested on 03.03.2023 and has been in custody ever since after being granted police remand. The filing of the challan is pending, and the conclusion of the trial is expected to take a long time. Keeping the petitioner in further preventive custody would serve no useful purpose.

3.2. In contrast, the counsel representing the State appears and opposes the bail petition, citing the serious nature of the allegations against the petitioner. An inquiry was conducted, and according to the

inquiry report, the petitioner, along with his father Darshan Singh, forged a No Objection Certificate.

4. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

5. Petitioner is in custody in this case since 03.03.2023. Investigation is though complete but challan is yet to be filed. Trial is still likely to take long time, whereas petitioner has already been languishing in jail for the past more than three months in preventive custody on account of alleged non violent offence committed by him. He does not appear to be any threat to society, if released on bail.

6. Considering the overall scenario and without commenting on merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep petitioner in further incarceration.

7. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned *Illaqu*a Magistrate and in case he/she is not available, before learned Duty Magistrate, as the case may be.

JULY 03, 2023
Shalini

(ARUN MONGA)
JUDGE

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