

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

I) CRM-M-20715-2023 (O&M)

Harpal Singh ... Petitioner

Versus

State of Haryana ... Respondent

II) CRM-M-20864-2023 (O&M)

Prithvipal Singh ... Petitioner

Versus

State of Haryana ... Respondent

III) CRM-M-20960-2023 (O&M)

Harjitender Singh ... Petitioner

Versus

State of Haryana ... Respondent

Date of Decision:-2.5.2023

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harvinder Singh Maan, Advocate,
for the petitioner(s) in CRM-M-20715-2023 and
in CRM-M-20960-2023.

Ms. Manjot Kaur, Advocate with
Mr. H.S. Maan, Advocate,
for the petitioner in CRM-M-20864-2023.

Mr. Siddharth Attri, AAG, Punjab,
assisted by DSP Rakesh Kumar.

FIR No.	Dated	Police Station	Section/s
113	4.3.2019	City Fatehabad, District Fatehabad, Haryana	120-B, 466, 467, 468, 471 of Indian Penal Code and 9, 13(1) (d) and 13(2) of Prevention of Corruption Act.

GURVINDER SINGH GILL, J. (Oral)

1.
- This order shall dispose of the above mentioned three petitions filed on behalf of petitioners Harpal Singh, Prithvipal Singh and Harjinder Singh seeking grant of regular bail in respect of the abovementioned FIR.
2.
- The FIR was lodged at the instance of Ramesh Kumar Poonia, Manager, Central Cooperative Bank, Fatehabad, wherein it is alleged that upon an inquiry it was found that several irregularities had been committed in disbursement of loans during the period 2016-2018. As per the inquiry report, an amount of Rs.74,92,09,785/- was advanced as loan in 1144 cases. Files in respect of 802 loan cases were examined in respect of which an amount of Rs.65,40,24,000/- had been advanced. It was found that the Managers and Development Officers of the Banks had recommended advancement of loans without complete documents in violation of rules. It is alleged that Mohinder Singh Bhadu, the then Loan Section Incharge, had recommended applications to Narsi Ram, the then General Manager, without seeking prior appraisal of the Loan Appraisal Committee. It was also found that recommendation letters had been issued by way of fake dispatch numbers and amounts were got transferred to bank accounts of regular/outsourc employees and other persons from the bank accounts of

loanees and loans were distributed to persons, who were residing beyond the jurisdiction of bank on the basis of fake “Know Your Customer” (KYC) documents. It was further found that loans meant for ‘non-agriculture purposes’ had been disbursed for ‘agriculture purposes’. It is thus alleged that the officials of the bank had colluded with private persons for disbursement of loans on the basis of forged and fake documents and by furnishing incorrect information as against the prescribed protocol and rules.

3. Learned counsel for the petitioner(s) submit that the petitioners have been falsely implicated in the present case and that there is no evidence to suggest that they had committed any fraud and that at best it is a case where some irregularities were noticed in the procedure for advancement of loans. It has further been submitted that a substantial number of loanees had already returned the loan amount and, as such, it cannot be said that there was any intention on the part of the petitioners to cheat the bank or anybody else.
4. Opposing the petitions, learned State counsel has submitted that since huge amount was involved in the present cases and loans had been advanced without even complying with the basic requirements of verifying the identification of the loanees or even the property, which was sought to be furnished as security, the complicity of the petitioner(s) is clearly evident. Learned State counsel has, however, not disputed that a large number of loanees have returned the amount. It has been informed that the petitioner(s) have been behind bars since the last more than 2 months and are otherwise not involved in any other case.
5. This Court has considered the rival submissions addressed before this Court.

6. Apparently it is a case, which is based totally on documentary evidence. The petitioner(s) have been behind bars since the last about 2 months. The petitioner(s) otherwise have a clean record. In these circumstances, further detention of the petitioner(s) will not serve any useful purpose. All the three petitions, as such, are accepted and the petitioner(s) are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. Since the investigation is stated to be still pending, the petitioner(s) are directed to cooperate with the investigation as and when directed and to furnish samples of their handwriting, if directed.
8. A copy of this order be placed on the file of each connected case.

2.5.2023
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No