

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32454 of 2023 (O&M)
DATE OF DECISION: 13.07.2023

Surender	Versus	...Petitioner
State of Haryana		...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. S.K.Verma, Advocate,
For the petitioner.

Mr.Vikas Bhardwaj, AAG, Haryana.

ARUN MONGA, J. (ORAL)

Aggrieved on being declined bail by the learned trial court, petitioner before this Court, seeks his release as an undertrial in criminal case bearing FIR No.32 dated 04.02.2022, registered under Sections 419,420, 467, 468 and 471 IPC at Police Station, City Safidon District Jind.

2. Per FIR, allegation against petitioner is that he forged a mutation deed by putting signature of patwari and even prepared forged Jamabandi and got loan sanctioned from the bank. Bank disbursed an agricultural loan of Rs.10 lakh in favour of accused on 14.02.2017. Loan account was later declared as NPA. Petitioner was arrested on 15.12.2022.

3. Learned counsel for petitioner *inter alia* contends that matter is apparently civil in nature. Petitioner has been falsely implicated in the present case.He further submits that petitioner had taken agricultural loan of Rs.70 lakh from Kotak Mahindra Bank, Assandh and crop loan of Rs.17 lakh and Rs.10 lakh as top up from Union Bank of India (erstwhile Corporation Bank),Safidon and thus the total liability of the petitioner is Rs.97 lakh. As against, 87 Kanals 18 Marlas agricultural land worth Rs.2.5-3 Crore is under mortgage with banks.

Thus, bank is a fully secured creditor and can make recovery of the said loan amount from aforesaid mortgaged land of petitioner.

3.1. He further submits that the offence is triable by learned Magistrate. Investigation is complete. Challan has been presented. Charges are yet to be framed. Custodial interrogation of the petitioner is not required. All the witnesses are police officials. He further submits that FIR Nos.30 and 36 were registered against some other persons/farmers having same allegations of obtaining crop loan on the basis of fake documents and they have already been granted concession of regular bail vide Annexures P-2 and P-3.

3.2 Learned counsel for the petitioner would further urge that petitioner is a farmer by profession having three children, who are dependent on him and are living in penury in his absence. He has added responsibility of his old aged parents to look after them. He has a fixed abode and there is no likelihood of his fleeing from justice.

4. Per contra, learned State counsel opposes the bail petition. He submits huge amount is involved in this case. Allegations against the petitioner are serious in nature. He does not deserve concession of bail at this stage. One more case registered under Sections 419, 420, 467, 468, 471 of IPC is pending against him.

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

6. Trial is unlikely to conclude in near future. Apprehension of the prosecution that the petitioner should be kept in custody on the ground that he is likely to tamper with the evidence seems unfounded. Evidence being of documentary nature, has already been seized by the investigating agency. Petitioner is in jail since 15.12.2022. Challan has been presented and charges are yet to be framed. Investigation *qua* the petitioner is complete and no useful purpose would be served to keep the petitioner in judicial custody. Petitioner has already been in preventive custody for almost seven months.

7. That apart, the alleged crime purportedly committed by the petitioner is non-violent in nature. In case, he is released on bail, there is no likely threat to the society. Since investigation is complete and challan has been filed petitioner is not required for any custodial interrogation.

8. 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 preventive custody.

9. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Magistrate, as the case may be.

10. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

11. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

12. Pending application(s), if any, shall also stand disposed of.

13.07. 2023
vandana

(ARUN MONGA)
JUDGE

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