

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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Date of Decision: 15.11.2023

(1)

CRM-M-34616-2023

Dhanwinderjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

(2)

CRM-M-38026-2023

Harjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Sandeep Gahlawat, Advocate, for the petitioners.

Mr. Gurbir S. Dhillon, A.A.G., Haryana.

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**VIKAS SURI, J. (Oral)**

1. This order shall dispose of CRM-M-34616-2023, titled *Dhanwinderjit Singh vs. State of Punjab* and CRM-M-38026-2023 titled *Harjit Kaur vs. State of Punjab*, preferred under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.71 dated 13.04.2023, under Sections 419, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Civil Lines Amritsar, District Police Commissionerate Amritsar.

2. Brief facts of the case are that the above captioned FIR was

registered on a complaint moved by one Kulwinder Kaur alleging that she received a notice from the bank regarding pendency of loan of ₹60,00,000/-, against which a plot has been mortgaged, of which she is a co-owner and stands as a guarantor to secure the said loan. Complainant alleged that she had never taken any loan from any bank nor given any collateral security. After visiting the bank and personally checking the loan file, she came to know that her husband alongwith one Harjit Kaur had purchased a plot measuring 01 kanal and 15 marla, sale-deed and mutation of which was sanctioned jointly in her name and in the name of said Harjit Kaur. It was further submitted that the persons, who fraudulently took the loan from the bank, had got registered a firm in the name and style of Krishna Traders House, Batala Road, Amritsar and the said plot was mortgaged for taking the loan of ₹60,00,000/-, for which fake Pan Card, Voter Card, Aadhar Card purporting to be that of the complainant had been used. The loan had been taken after the demise of the husband of the complainant.

3. Learned counsel for the petitioners submits that the petitioners are husband and wife and they have been falsely implicated by the complainant as she is an influential lady because her husband used to work with the police department and after his death, her son had also got appointed in the same department on compassionate grounds. In the instant case, complaint was moved in the year 2018 and the FIR in question has been registered after a delay of about 04 years and 10 months, by manipulating the facts. It is submitted that the FIR has been lodged with an

intention to usurp the entire property and pressurise the petitioners to give up their claim. Counsel submits that the petitioners are ready to join investigation and cooperate with the investigating agency.

4. Upon notice having been issued, status report by way of affidavit dated 11.09.2023 has already been filed.

5. Learned State counsel has opposed these petitions by stating that the FIR has been registered after a thorough inquiry conducted by ASI Jaskaran Singh, on the complaint moved by the complainant. Referring to the status report, it is submitted that husband of the complainant and petitioner-Dhanwinderjit Singh were friends and they had purchased a plot measuring 01 kanal and 15 marla jointly, sale deed of which was executed on 23.05.2011 in the names of their respective wives, i.e. complainant and petitioner-Harjit Kaur. After the death of husband of the complainant, petitioner-Dhanwinderjit Singh in connivance with his wife Harjit Kaur and other accomplices, changed the photograph of complainant Kulwinder Kaur from the backside of original sale-deed, on her voter card and prepared fake Pan Card No.DYTPK5059R on complainant's name. The complainant has not got her PAN Card prepared till lodging of the complaint. Petitioners and others, impersonated complainant-Kulwinder Kaur, as some other lady, forged her signatures on loan file as guarantor in favour of M/s Shree Krishna Trading Hosue, Batala Road, Amritsar and got sanctioned a limit loan of Rs.60,00,000/- in its favour. The said loan amount was not repaid by the firm and they shifted to some other place. On a notice having been sent

by the bank to the complainant as guarantor for non-depositing of loan, complainant learnt about the whole episode. It is further submitted that during inquiry, petitioners gave a statement to the effect that for the purpose of loan, they visited the bank premises, where original sale deed of the plot was given to one Sanjeev Kumar, Babita Mahajan and one more lady but the said persons have cheated them. After an inquiry conducted by ASI Jaskaran Singh, it was concluded that the petitioners in connivance with other persons, cheated the complainant-Kulwinder Kaur and on the basis of said inquiry, present FIR has been registered. Learned State counsel has submitted that the petitioners are main culprits and their custodial interrogation would be required to unearth the truth. Hence, he prays for dismissal of the present petitions.

6. Heard learned counsel for the parties and have considered the rival contentions.

7. After hearing learned counsel for the parties and going through the pleadings of the case as well as status report filed by the State, this Court does not seem it to be fit case for grant of concession of anticipatory bail to the petitioners. There are specific allegations against the petitioners that they have been instrumental in obtaining a loan amounting to Rs.60,00,000/- by mortgaging the plot in question without the consent of complainant, of which she is admittedly a co-owner, and by conniving with others, they forged the original sale deed, her signatures, Voter Identity Card and PAN Card etc.

8. In the considered opinion of this Court, custodial interrogation of the petitioner is essential for examination of the documents, relevant record and statements of bank accounts as well as identification of the persons, who are involved in the commission of offences. *Prima facie* no ground is made out to disbelieve the allegations on the face of it, at this stage. Various aspects need to be gone into to unearth the truth and if the petitioners are granted the concession of anticipatory bail, they may hamper the investigation. The allegations levelled against the petitioners are of serious nature and hence, they are not found to be entitled for grant of anticipatory bail.

9. In light of the above discussion, both these petitions stand dismissed.

10. Anything observed hereinabove is for just decision of the present petitions and shall not influence the investigation in any manner.

November 15, 2023  
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( VIKAS SURI )  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |