

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

CRM-M-39184-2023
Date of Decision:16.08.2023

Kulwinder Singh

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Amit Arora, Advocates, for the petitioner.

DEEPAK GUPTA, J.

Prayer in this petition is to grant anticipatory bail in case FIR No.233 dated 30.05.2023 registered at Police Station Goindwal Sahib, District Taran Taran under Sections 420 and 120-B IPC.

2. FIR was lodged on the complaint of Hardev Singh, as per which, he had taken loan of ₹1 lac in 2016 from Tarn Taran Cooperative Bank, Branch Kang, District Tarn Taran. At that time, Kulwinder Singh (petitioner) was posted as Manager, who had taken two photocopies of his Aadhar Card. According to the complainant, he had paid the entire loan amount along with interest in the year 2020. However, in 2021, he received two notices, one regarding amount of ₹1,50,000/- and the another regarding amount of ₹4 lacs shown pending against him. On inquiry, he came to know that the previous Manager Kulwinder Singh (petitioner) along with clerk Sukhwant Singh in connivance with each other by forging the certificate and by showing the complainant as a School Master and by affixing his photograph and copy of Aadhar Card had got passed loan amounting to ₹4 lacs in his name and misappropriated the same. As per complainant, he had

retired in the year 2013 from Police Department and was never posted as a School Teacher.

3. It is contended by ld. counsel that co-accused Sukhwant Singh has already been allowed anticipatory bail by this Court on 14.07.2023 in CRM-M-31918-2023. It is further submitted that amount of ₹2,23,753/- is outstanding against the complainant regarding the first loan of ₹1 lakh and so, it is wrongly pleaded by the complainant that he had cleared the account. It is further contended that the loan documents reveal that complainant had availed the second loan of ₹4 lakh and the amount was withdrawn by him by way of cheque dated 06.08.2016 and he had paid an amount of ₹88,000/- also on 16.02.2018 and that an amount of ₹5,66,701/- was outstanding against the complainant on 05.07.2021.

4. Notice of motion.

5. Sh. M.S. Nagra, AAG, Punjab accepts notice and contends that case of co-accused Sukhwant Singh is on entirely different footing, as he was only a suspended clerk, who was working under the petitioner. Ld. State counsel further submits that as per the allegations, the complainant had retired from the police department in 2013 and was never posted as school teacher, but the loan of ₹4 lakh was granted in his name by projecting him as a school teacher.

6. When confronted, ld. Counsel for the petitioner is unable to convince this Court as to how the petitioner being the manager, sanctioned the two loans in the name of the complainant, one as a police official and the other as a school teacher. Complicity of the petitioner in the crime is

quite apparent. His custodial interrogation may be required to unearth the entire truth.

7. Having regard to the above discussion & nature of allegations against the petitioner, but without commenting anything further on the merits of the case, this Court finds it to be not a fit case to grant anticipatory bail to the petitioner.

Dismissed.

(DEEPAK GUPTA)
JUDGE

16.08.2023

Vivek

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |