

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-45714-2022(O&M)

Date of Decision:-24.01.2023

Rajinder Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Bhupinder Ghai, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

CRM-3168-2023

Allowed as prayed for.

Documents Annexure P/4 and P/5 annexed along with the application are taken on record. Registry to place the same at appropriate place and paginate the paper book accordingly.

CRM-M-45714-2022

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.17 dated 06.04.2021 under Section 420, 406, 467, 468, 471, 120-B IPC registered at Police Station NRI, District Mohali.

2. The present FIR came to be registered at the instance of Ranjit Singh, resident of Canada. He stated that he owned ancestral property at

village Mander, Tehsil Khamanon, District Fatehgarh Sahib but had been living in Canada since 1993. On 30.09.2020 he came to know from Maskeen Singh resident of village Mander who had taken his (complainant's) land on lease, that the bank employees of Canara Bank had visited the land who stated that his (complainant's) father Mohinder Singh had not paid the installment of the loan. On inquiry it was revealed that some persons in connivance with bank employees got sanctioned a loan of Rs.45 lacs and a mutation No.2041 dated 6.7.2018 was entered in the revenue record whereas Patwari Karamjit Singh knew him (complainant) well that he was a resident of Canada. In fact, the loan had been sanctioned by the bank without informing him (complainant). Thus he had been cheated and a fraud had been committed upon him. He was not in India at the time of registration of mortgage deed. Appropriate legal action was sought against the fake Mohinder Singh, his associates, employees of the Canara Bank, Morinda and revenue officials of Tehsil Khamanon.

3. The Counsel for the petitioner contends that in fact Maskeen Singh son of Darshan Singh who had taken the land of the complainant on lease might have cheated the complainant. The petitioner had not obtained any loan by impersonating the Mohinder Singh. Be that as it may, the petitioner had already paid the entire loan amount to the bank in terms of the one time settlement scheme. As the petitioner was in custody since 21.07.2022 and only 02 out of 17 prosecution witnesses had been examined so far, the further incarceration of the petitioner was not required more so when he was a first time offender.

4. The Counsel for the State on the other hand contends that the petitioner in connivance with the officials of the bank and the revenue

officials took a huge amount as loan on the name of the father of the complainant. The nature of the allegations did not entitle him to the grant of bail. He however, does not dispute the period of custody undergone by the petitioner as also the stage of trial.

5. I have heard learned Counsel for the parties.

6. Admittedly, the petitioner is in custody since 21.07.2022. Only 02 prosecution witnesses have been examined in chief and there are as many as 17 witnesses cited in the list of witnesses. This Court in the case of **CRM-M-24033-2021(O&M) titled as Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab Decided on 31.08.2022** has held that in a case triable by the court of Magistrate when the investigation stands completed the accused ought to be granted the concession of bail unless there are serious apprehensions of him absconding from justice or tampering with the evidence. In the present case, no such apprehension has been expressed by the Counsel for the State. Therefore, the further incarceration of the petitioner is not required.

7. Thus, without commenting on the merits of the case, the petitioner-**Rajinder Singh** son of Sh. Harjeet Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the present case.

9. In addition, the petitioner (or any person on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the

Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence of the petitioner from the Trial without sufficient cause.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 24, 2023

Vinay

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