

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

211

CRM-M-46731-2022
Date of decision: 09.03.2023

Suresh Kumar Bhardwaj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. H.S. Brar, Sr. Advocate with
Mr. Jivitesh Singh Dosanjh, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.195 dated 06.03.2018 under Sections 406, 420, 467, 468, 471, 474, 409 and 120-B of the Indian Penal Code, 1860 registered at Police Station Karnal Civil Lines, District Karnal.

Learned senior counsel for the petitioner *inter alia* contends that the petitioner who has been in custody since 31.08.2021 was nominated as an accused pursuant to an alleged disclosure statement made by one Sanjeev Kumar. While drawing the attention of this Court to the allegations levelled in the FIR which was registered at the instance of Mahinder Pal Ashal, Branch Manager, State Bank of India NDRI, Karnal, allegedly a large number of loans were advanced by the bank on the basis of wrong and illegal mortgage deeds by declaring properties free from all encumbrances, whereas the properties already stood encumbered with different banks. The petitioner was

stated to be a Manager of State Bank of India when the above loans were availed of by different persons on the basis of false affidavits submitted before the Bank. Learned senior counsel has vehemently argued that the petitioner was innocent and he had merely disbursed the loans in question on the basis of the reports prepared by the Law Officers/Advocates hired by the Bank and hence he could not be held responsible for the wrong reports allegedly prepared by the Legal officers. Learned senior counsel submits that after the registration of the FIR, an amount in the sum of Rs.17 crores already stood repaid by the loanees and still further the petitioner was not even a beneficiary of any of the loan transactions. Learned senior counsel further submits that all the other accused including Sanjeev Kumar, on whose disclosure statement the petitioner was nominated as an accused, stand released on bail. He has also submitted that since the case of the prosecution rests on documentary evidence, there can be no apprehension of the evidence being tampered with by the petitioner.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, submits that loan in excess of Rs.19 crores was fraudulently sanctioned on the basis of false declaration and forged documents during the tenure of the petitioner as Manager of State Bank of Patiala, NDRI, Karnal. He submits that no doubt the petitioner was not named in the FIR in question, however, his role came to light in the disclosure statement suffered by co-accused Sanjeev Kumar. Learned State counsel on instructions has apprised the Court that the charges were framed on 04.01.2022 and as many as 27 prosecution witnesses have been cited.

He submits that on the next date of hearing the prosecution evidence is likely to commence. Learned State counsel has not been able to controvert that all the other accused have already been enlarged on bail.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner has been in custody since 31.08.2021 in a magisterial trial. There is no likelihood of the trial concluding in the near future as prosecution evidence has not yet commenced. The case rests on documentary evidence and hence there can be no possibility of the evidence being tampered with. In the facts and circumstances as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

09.03.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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