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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 50349 of 2023
Date of decision:- 08.11.2023

BALJINDER KAUR AND ANOTHER

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Gopal Singh Nahel, Advocate
for the petitioners.

Mr. Anmol Singh Sandhu, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
199	01.10.2021	Sections 420, 465, 467, 468, 471, 120-B IPC	Bhawanigarh, District Sangrur.

2. In *nutshell* the case putforth by the prosecution is that complaint ICICI Bank lodged a complaint against Baljinder Kaur, Harshveer Singh Grewal and Gurinder Singh stating that the present petitioner had availed loan from the Bank and when the present petitioner defaulted in payment of loan, Bank approached the petitioner, it is realized that the loan was availed

on forged documents. Co-accused Gurinder Singh, Development officer had conspired with customers to acquire loan on the basis of forged documents and hence the FIR was registered.

3. It is *inter alia* contended by the learned counsel for the petitioner that the petitioners are innocent and have been falsely implicated in the case. He further submits that petitioners were in need of money for purchase of cattle and approached ICICI Bank located at Grain Market, Bhawanigarh where they met Gruinder Singh-accused who was employed as Development officer with the Bank. He took the petitioner into confidence and promised to provide hassle free loan and took photographs and signatures on blank papers. Total loan sanctioned to the petitioner was amounting to Rs. 3,00,000/-. However in the year 2018 officials of ICICI Bank visited the residence of the petitioners and asked to pay an amount of Rs. 13,00,000/-. He submits that petitioners approached SSP Sangrur and filed complaint Annexure P-2 which was withdrawn on assurance of Police officials. He further submits that instead of the action to be taken against the bank officials, police registered case against the present petitioners. He further submits that 10 other similar FIR were also registered against different persons on allegations of obtained loan on forged papers in which Gurinder Singh is co-accused and concession of bail has already been granted to him vide (Annexure P-4). The petitioners are poor person. He further submits that petitioners are ready and willing to join the investigation and prays for concession of bail to the petitioner.

4. Learned counsel for the State filed the reply dated 16.10.2023 submitted by Deputy Superintendent of Police, Sub-Division Bhawanigarh,

District Sangrur, the same is taken on record. He contends that petitioners took loan from ICICI Bank in the year 2016 and on default of petitioner No.1 an inquiry was conducted and FIR was lodged. It is admitted that there are some other cases pending against the co-accused Gurinder Singh and he has been granted concession of bail in the above said FIR as well as in some other cases. He further submits that no other case is pending against the present petitioners.

5. In view of the abovesaid facts and circumstances of the case, without commenting on the merits thereof, the present petition is, hereby, allowed and the petitioner is directed to join the investigation within seven days from today and in the event of arrest of the petitioner, the petitioner is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

08.11.2023

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No