IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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1. **CRM-M-11227-2023**

***2024: PHHC:* 004259**

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SUNIL KUMAR

. . . . Petitioner

Vs.

State of UT Chandigarh

. . . . Respondent

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2. **CRM-M-17182-2023**

***2024: PHHC:* 004260**

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VIJAY KUMAR @ VIJAY SINGH

. . . . Petitioner

Vs.

State of UT Chandigarh

. . . . Respondent

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Reserved on: 10.01.2024
Pronounced on: 12.01.2024

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CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

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Present: - Mr. Rahul Jaswal, Advocate,
for the petitioner (in CRM-M-11227-2023).

Mr. Priyanshu Kamra, Advocate,
for the petitioner (in CRM-M-17182-2023)

Mr. Manish Bansal, PP, UT, Chandigarh.

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<u>DEEPAK GUPTA, J.</u>

In two petitions titled above, both filed under Section 439 CrPC, petitioners have prayed for their release on regular bail in case FIR No.101 dated 02.07.2022 under Sections 420/467/468/471/120B IPC registered at Police Station Sector 31, Chandigarh.

2.1 Case has been registered on the complaint made by GIC Housing Finance Ltd. through its Branch Manager Varun Mehta alleging therein that in the months of July and August 2019, there was steep rise in defaults from various borrowers of District Ludhiana. Files were scrutinized minutely and the branch identified 14 loan files of different borrowers, all from District Ludhiana, wherein similar modus-operandi was used in processing, sanctioning and disbursing of the loan amounts. It was alleged further that all the loan proposals were brought and introduced by Davinder Singh, who was working as Marketing Executive with the Chandigarh Branch office of the complainant during the relevant period. The documents/proposals were in his own handwriting. The inquiry further revealed that Sunil Kumar (petitioner in CRM-M-11227-2023), who is also one of the borrower of the complainant-company and one Karan Kumar, both residents of Ludhiana had actively connived with Davinder Singh in committing the fraud upon the complainant.

2.2 On making inquiries from the concerned Government offices, it came to notice that security documents in all the 14 files were forged and fabricated. In all the files, sale deeds were found to be not registered/ non-existence as per the Government official record. These did not form part of the official record and were forged documents. Similarly, the documents like non-encumbrance certificates, jamabandi, mutation etc. were forged. Even the signatures of the Government beneficiaries appended along with seal of office of the documents were forged. The financial loss to the complainant by way of these transactions was estimated to be ₹2.94 crore.

2.3 During investigation, petitioner Sunil Kumar was arrested on 07.10.2022. It was found that said Sunil Kumar in connivance with co-accused Karan Kumar @ Karan Verma had prepared/used a forged document to show himself as purchaser of a house in Pritam Nagar, Ward No.31 village Pehu

Banda, Ludhiana measuring 111 sq. yards comprised Khata No.3535/3542, Khasra No.3514/27/12663. Said sale deed did not match with the revenue record and it was revealed that seller as well as purchaser were bogus. Actual owner of the house was one Naveep Bawa, who on joining the investigation disclosed that he had purchased the house from one Priyanka and had never sold the same. Bank accounts of accused persons were collected during investigation from the concerned bank. It was found that Karan Kumar had received huge amount of money from borrowers in his personal bank accounts as well as in the bank account of his companies namely K-7 Impex and K-7 Enterprises. It was revealed further that accused Davinder Singh as well as Sunil Kumar (petitioner in CRM-M-11227-2023) had received huge amounts from Karan Kumar.

2.4 It was further revealed that Sunil Kumar had applied for loan of ₹25 lakh to the complainant-company to purchase the house situated in Pritam Nagar, Ludhiana on the basis of fake documents. The complainant-company then disbursed an amount of ₹24.50 lakh directly in the account of accused Vijay Kumar @ Vijay Singh (petitioner in CRM-M-17182-2023), being the seller of the house as per the sale deed. Sunil Kumar (petitioner in CRM-M-11227-2023), being the bogus purchaser, had received ₹20,000 and insurance cover worth ₹30,000/- from the complainant and thus, the house was mortgaged on the basis of forged documents with the complainant. In addition, petitioner-Sunil Kumar received ₹6.34 lakh from accused Karan Kumar.

2.5 After completion of investigation, challan was presented against the petitioners i.e., Sunil Kumar (petitioner in CRM-M-11227-2023) and Vijay Kumar @ Vijay Singh (petitioner in CRM-M-17182-2023).

3. It is submitted on behalf of Sunil Kumar (petitioner in CRM-M-11227-2023) that he is the victim of the alleged commission of crime by Davinder Singh. He had purchased a plot from Vijay Kumar and for taking the housing loan, had contacted Davinder Singh and that all the formalities were completed by said Davinder Singh. It is further submitted that after completion of investigation, challan has already been filed; that 24 witnesses have been cited by the prosecution and it is likely to take long time to conclude the trial; that petitioner is in custody since 07.10.2022 and so, in all these circumstances, he be granted bail.

4. On behalf of the Vijay Kumar @ Vijay Singh (petitioner in CRM-M-17182-2023), it is submitted that no express role is attributed to him. Co-accused Sunil is his brother-in-law and that he has been dragged into the case by misusing his name. It is co-accused Sunil Kumar, who is the active conspirator with main accused Davinder Singh; that investigation has already been completed; that trial may take time to conclude; that petitioner is in custody since 12.10.2022 and so, in all these circumstances, he be granted bail.

5. Ld. State counsel has opposed both the bail petitions by pointing out the modus operandi of both the petitioners, who were in active connivance with co-accused Davinder Singh, inasmuch Vijay Kumar (petitioner in CRM-M-17182-2023) became the seller and Sunil Kumar (petitioner in CRM-M-11227-2023) became the purchaser of a fake sale deed and on the basis of that bogus sale deed, loan of ₹25 lakh was applied to the complainant and amount of ₹24.50 lakh was transferred in the account of Vijay Kumar (petitioner in CRM-M-17182-2023). Ld. State counsel, by drawing attention towards the status report, also pointed out towards the amount, which has been received by

both the petitioners in transactions on the basis of forged documents. Prayer is made for rejecting the petitions.

6. After considering submissions of both the sides and the roles attributed to the petitioners, it is noticed by this Court that principal accused is Davinder Singh, who has committed huge fraud with the complainant on the basis of forged documents, though petitioners also allegedly actively participated in the said fraud. It is further noticed that the case is mainly dependent upon documentary evidence. All the offences are triable by Magistrate. Both the petitioners are in custody ever since October 2022 i.e., for the last approximately 1 year and 3 months and since there is a long list of 24 prosecution witnesses as per the status report, so trial is likely to take long time to conclude.

7. Having regard to all the above facts and circumstances, but without commenting anything further on merits of the case, both the petitions are allowed. Petitioners i.e., Sunil Kumar (petitioner in CRM-M-11227-2023) and Vijay Kumar @ Vijay Singh (petitioner in CRM-M-17182-2023) are admitted to regular bail on their furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, on usual terms and conditions.

Pending application(s), if any, stand disposed of.

A photocopy of this order be placed on the file of another connected case.

(DEEPAK GUPTA)
JUDGE

12.01.2024
Vivek

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