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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

287

CRM-M No.12427 of 2024
Date of Decision: 24.07.2024

Madan ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajesh Bansal, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0917	23.11.2022	Panipat City, District Panipat	420, 467, 468 and 471 of IPC (Sections 120-B and 34 of IPC added later on)

2. Briefly stated, the aforementioned FIR had been registered on the basis of a written complaint filed by Ajit Rana an employee of HDFC Bank Limited Branch Office GT Raod, Panipat alleging therein

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that the accused Balwan Singh approached the bank for availing personal loan while introducing himself as an officer in Dr. Lal Path Labs Limited situated at Babarpur Mandi, Panipat and also disclosed himself to be resident of Village Post Officer Ishaq, Tehsil Pehowa, District Kurukshetra. The requisite documents in the shape of copies of PAN Card, Aadhar Card, salary slips and bank account statement had been submitted by him. After processing his loan application in accordance with the prescribed credit policy, loan of an amount of Rs.12 lacs was sanctioned and disbursed in his bank account on 27.01.2020. The accused Balwan Singh paid some instalments for re-payment of the loan but then started committing default in repayment. On conducting enquiry, it was found that he by falsely representing himself to be an employee of Dr. Lal Path Labs Limited and by submitting forged and fabricated documents, had deceived the bank to get loan. On the basis of these allegations, FIR was registered. Investigation proceedings were initiated. During the course of investigation, it transpired that the amount of Rs.7.35 lacs had been transferred from the account of accused Balwan Singh to the account of co-accused Mamta Mehra who is wife of the present petitioner. It was also revealed that the co-accused in connivance with the present petitioner had prepared forged account statement and other documents and the petitioner had received the aforementioned amount of Rs.7.35 lacs out of the sanctioned loan amount of Rs.11,91,873/- in the account of his wife as commission and had conspired with the co-accused in this case and infact, he was the mastermind of the

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subject crime. The petitioner was arrested in this case on 03.10.2023. Investigation has since been completed. He had moved an application for bail which has been dismissed by the Court of learned Additional Sessions Judge, Panipat vide order dated 08.01.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused Balwan Singh and did not commit any offence. He is in custody since long. Investigation has since been completed. Trial is likely to take time. No document for obtaining loan had been submitted by him before the complainant-Bank and as such he has no role in the commission of subject offences and neither there is any active participation on his part. No useful purpose will be served by detaining him in custody any more. Therefore, it is argued that the petition deserves to be allowed and he deserves to be extended benefit of bail.

4. Status report has been filed by the respondent-State. It is argued by learned State counsel that there are specific and serious allegations against the petitioner. He is a habitual offender and three other cases of similar nature have been registered against him. There are chances of his absconding or committing similar offences if extended benefit of bail. Therefore, it is urged that he does not deserve to be given concession of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. The petitioner in connivance with the co-accused Balwan Singh

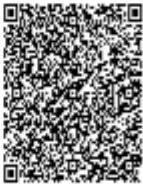
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and his wife i.e. co-accused Mamta Mehra, is alleged to have prepared false and fabricated documents on the basis of which co-accused Balwan Singh got sanctioned loan in the amount of Rs.12 lacs in his name from the complainant-Bank and an amount of Rs.7.35 lacs out of the said amount is alleged to have been transferred in the bank account of his wife. The petitioner is in custody since 03.10.2023. The trial is likely to take time. The subject offences are triable by Magistral. Annexure P-4 to Annexure P-7 are copies of orders which shows that he has been extended benefit of bail in the other cases as registered against him. There is no basis for the contention that he might abscond. Keeping in view all these facts but without meaning to make any comment on the merits of the case, I am of the opinion that further incarceration of the petitioner would not serve any useful purpose.

7. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/Duty Magistrate and further subject to the condition that till the conclusion of the trial, he shall appear before the Police Station City Panipat once in the first fortnight of every month. He shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance.

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8. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

24.07.2024
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(MANISHA BATRA)
JUDGE

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