2024:PHHC:049501

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
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104

CRM-M-17697-2024
Date of Decision.:10.04.2024

Rajesh Kumar …..Petitioner

Vs.

State of Haryana …..Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. S.S. Momi, Advocate
for the petitioner.

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DEEPAK GUPTA, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.231 dated 18.11.2023 registered under Sections 406, 420, 467, 468, 471 of the IPC registered at Police Station Siwan, District Kaithal.

2. FIR has been lodged on the complaint of Kaushal Kishore, Branch Manager, Sarva Haryana Gramin Bank, Branch Office Kanghthali, District Kaithal. Mulakh Raj (since deceased) resident of Kanghthali had taken loan of ₹15,50,000/- under credit card scheme from the complainant bank in the year 2011, which was secured by mortgaging his agricultural land measuring 45 Kanal 1 Marla situated at Village Kanghthali, Tehsil Guhla. Entry regarding the said mortgage was duly entered in the revenue record. Said Mulakh Raj did not return the amount. The account became

NPA. Outstanding dues became ₹62,00,000/-. Civil suit for recovery is pending before DRT, Chandigarh against the Legal Heirs of deceased borrower Mulakh Raj. It is alleged by the complainant that it came to its knowledge that Legal Heirs of Mulakh Raj, by preparing a fake and bogus "No Dues Letter" on behalf of the bank, got the mortgaged land released/redeemed from the revenue record on 11.08.2023, despite the fact that no loan had been paid and the suit for recovery was still pending and so there was no ocassion for the complainant bank to issue "No Dues Letter". The bogus "No Dues Letter" is alleged to have been prepared in collusion with Rajesh Kumar (petitioner) on the letter head and under the seal of the bank bearing the forged signature of Kaushal Kishore, Bank Manager of Sarva Haryana Gramin Bank.

3. It is contended by learned counsel that petitioner has been nominated in the statement of Desh Raj son of Mulakh Raj recorded under Section 161 Cr.P.C. Later on, police recovered transfer details of the bank account of Desh Raj. Petitioner was joined in the investigation. He co-operate in the same and handed over transfer details of his account. Learned counsel also contends that Desh Raj son of Mulakh Raj had moved an application before the Branch Manger of Sarva Haryana Gramin Bank, Kanghthali for one time settlement, stating that he was willing to pay ₹25,00,000/- for full and final settlement, which will be deposited in the bank within a week. He had brought ₹4,00,000/- as a token amount to show his *bona fide* and requested for No Objection Certificate. The application as

received by the Branch Manager was duly forwarded for further action and that amount of ₹4,00,000/- was deposited by Desh Raj in the sundry account and the entry was depicted in the account statement with a remark by OTS Mulakh Raj. Learned counsel contends that petitioner is still ready to join the investigation and has been falsely implicated by showing the deposit of amount of ₹4,00,000/- in his account.

4. Notice of motion.

5. Mr. Randhir Singh, Addl. AG, Haryana accepts notice on behalf of respondent- State.

6. Learned State counsel has drawn attention towards the order dated 02.04.2024 passed by learned Additional Sessions Judge, Kaithal, wherein it was noticed that petitioner was Manager at the Regional Office of the Bank and in collusion with Desh Raj, the Legal Heir of the borrower, had forged the "No Dues Certificate" and for that he received amount of ₹19,00,000/- in cash and ₹4,00,000/- through bank transactions. Learned State counsel further submitted that as per the stand taken by the petitioner before the Court of Sessions, it was disclosed by them that Desh Raj, he and other persons were close friends and that Mahender Pal was in need of funds and was not having any account in the same bank as that of Desh Raj and since the petitioner was having account in the same bank, therefore firstly the amount was transferred in his account by Desh Raj and thereafter, on the same day the petitioner had transferred the amount of ₹4,00,000/- in the account of Mahender Pal.

7. Learned State counsel submits that custodial interrogation of the petitioner is required to unearth the entire truth particularly the *modus operandi* of preparing the forged NOC and also for effecting the recovery of forged seal and other equipments used for preparing the forged certificate.

8. After hearing both the sides and looking into the nature of allegations against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

Dismissed.

(DEEPAK GUPTA)
JUDGE

April 10, 2024
Neetika Tuteja

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No