

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CRM-M-19051-2024
Decided on: 02.05.2024

Naranjan Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.S. Johal, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab (Through VC).

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
20	21.08.2023	Vigilance Bureau Range Jalandhar, District Jalandhar	409, 420, 465, 466, 467, 468, 471, 120-B IPC and 13(1)(A) r/w 13(2) of PC (Amendment) Act 2018

1. The petitioner aged 78 years, apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 22.04.2024, petitioner was granted interim bail and the said order is continuing till date.
3. Prosecution’s case is being taken from the reply dated 30.04.2024, which reads as follows:-

“2. That it is submitted that Kulwinder Singh son of Bakhshish Singh R/o Village Dhuga Kalan, Tehsil Dasuya, District Hoshiarpur submitted an application bearing complaint No.19/2018 against petitioner, Tarsem Singh and Secretary Ajaib Singh to SSP Vigilance Bureau, Range Jalandhar. The complainant Kulwinder Singh alleged in his complaint that Gulzar Singh s/o Partap Singh was having account in Central Cooperative Bank, Rupowal and said Gulzar Singh died on 04.06.2014. After his death, on 17.06.2015 Ajaib Singh, Secretary of the bank obtained loan of Rs. 1,90,000/- in the name of Gulzar Singh. However Gulzar Singh had already made the loan account nil by making payment of Rs. 8700/- to Ajaib

Singh, Secretary in 2010. Ajaib Singh entered the name of Gulzar Singh in the limit loan register of May 2015 and got report from the committee members namely Niranjan Singh and Tarsem Singh to the effect that the names of farmers entered in the limit loan register are alive. Based on the said report Secretary Ajaib Singh first approved the loan in the name of deceased Gulzar Singh during the year 2014-15 and later during the year 2015-16. It has been further alleged that the committee members Niranjan Singh and Tarsem Singh are residents of village Dhugga Kalan, so they were knowing Gulzar Singh personally and they were having knowledge regarding the death of said Gulzar Singh. As such accused Ajaib Singh in connivance with co-accused Niranjan Singh and Tarsem Singh first obtained loan in the name of deceased Gulzar Singh and later on in order to save himself from criminal liability, Ajaib Singh deposited the entire loan amount alongwith interest in the account of deceased Gulzar Singh.

3. That it is submitted that the aforesaid application was marked for inquiry to the Deputy Superintendent of Police, Vigilance Bureau, Unit Hoshiarpur. On this, the Deputy Superintendent of Police Vigilance Bureau Unit, Hoshiarpur further marked the inquiry of the matter to the Inspector of Police, Vigilance Bureau, Unit Hoshiarpur and he conducted inquiry into the matter and he found that Secretary Ajaib Singh in connivance with members of committee Tarsem Singh and petitioner Naranjan Singh obtained limit loan amounting to Rs 1,92,000 on 30.12.2014 in the name of deceased Gulzar Singh and deposited the loan with interest on 17.06.2015. Thereafter again on 17.06.2015, Secretary Ajaib Singh in connivance with members of committee Tarsem Singh and petitioner Naranjan Singh obtained limit loan amounting to Rs.1,90,000/- in the name of deceased Gulzar Singh. The accused Tarsem Singh and the petitioner, members of Co-operative Society, Dhugga Kalan made report with regard to Gulzar Singh being alive at that time whereas said Gulzar Singh died on 04.06.2014. The Inspector of Police, Vigilance Bureau Unit Hoshiarpur also found that the accused Ajaib Singh in order to save himself from legal action, deposited Rs. 2,26,315/- Limit loan along-with interest on 06.11.2017 in the account of deceased Gulzar Singh and the bank did not suffer any financial loss. The Inspector of Police, Vigilance Bureau, Unit Hoshiarpur further found that the direct role of Inspector Yudhvir Singh did not surface in inquiry but the officers/official of Cooperative Bank Branch, Rupowal are found to assist the Secretary Ajaib Singh in the act with malafide intention. Therefore, Inspector of Police, Vigilance Bureau, Unit Hoshiarpur recommended to obtain legal opinion from Legal Branch in view of the above said findings to take legal action against Secretary Ajaib Singh, Member of Society Tarsem Singh and the petitioner and sent the inquiry report to his Senior officers. On this, legal opinion was obtained from Deputy District Attorney (Legal), Vigilance Bureau, Jalandhar and he gave opinion that offence U/s 409, 420, 465, 466, 467, 468, 471, 120-B IPC and U/s 13(1) (A) R/W Section 13 (2) of PC Act 1988 as amended vide PC (Amendment Act 2018) are made out against the petitioner, Ajaib Singh secretary Cooperative Society Dhugga

Kalan, R/o Village Dhugga Kalan, Tehsil Dasuya, District Hoshiarpur and Tarsem Singh son of Dhanna Singh Member Administrative Committee, Cooperative Society, Dhugga Kalan, District Hoshiarpur. Accordingly, FIR No.20 dated 21.08.2023 U/s 409, 420, 465, 466, 467, 468, 471, 120-B IPC and U / s 13 (1) (A) r/w Section 13 (2) of PC Act 1988 against the petitioner, Ajaib Singh secretary Cooperative Society Dhugga Kalan, R/o Village Dhugga Kalan, Tehsil Dasuya, District Hoshiarpur and Tarsem Singh son of Dhanna Singh Member Administrative Committee, Cooperative Society Dhugga Kalan at P.S. Vigilance Bureau, Range Jalandhar, Jalandhar.”

4. Petitioner seeks bail on merits as well as on the delay in reporting crime and primarily on petitioner’s age i.e 78 years. Petitioner’s counsel submits that no purpose would be served by sending the petitioner for custodial interrogation for pre-trial incarceration.

5. Counsel for the State has opposed the bail by making reference to role of the petitioner that is mentioned in para 7 of the reply, which reads as follows:-

“7. That it is submitted that the co-accused Ajaib Singh, Secretary of Cooperative Society, Dhugga Kalan obtained limit loan in the name of deceased Gulzar Singh in the year 2014-15 and thereafter in the year 2015-16 and the co-accused Tarsem Singh and petitioner-Naranjan Singh being members of Co-operative Society Dhugga Kalan made report with his signature on MCL register with regard to Gulzar Singh being alive at that time. Whereas said Gulzar Singh died on 04.06.2014. The co-accused Tarsem Singh and petitioner are residents of village of Dhugga Kalan and deceased Gulzar Singh was also resident of the same village. The co-accused Tarsem Singh and petitioner Naranjan Singh being residents of the same village were having knowledge regarding the death of Gulzar Singh but despite that, they in connivance with co-accused Ajaib Singh made false report with regard to Gulzar Singh being alive at the relevant time.”

6. I have heard counsel for the parties and gone through the petition. An analysis of the above said submissions reveals that although there is some evidence connecting the petitioner but that evidence would be significant either at the time of launching prosecution or at the time of framing of charges, if stage arises. However this Court is not dealing with such stages but only concerned with the anticipatory bail.

7. In the entirety of facts and circumstances of the case and the fact that petitioner is aged 78 years coupled with the fact that in such a long life he has no criminal history, is sufficient ground not to send him for custodial interrogation for pre-trial incarceration

and the petitioner makes out a case for anticipatory bail.

8. Given above, petition is allowed and interim order dated 22.04.2024 is made absolute. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

02.05.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.