



EMIs. The Bank tried to contact the respondents-accused but they avoided to receive the calls from the Bank. On enquiry by the Bank, it was found that the accused persons have also availed facilities from many other Banks and Financial Institutions to cheat and commit dishonest misappropriation of the assets financed by the Bank. It was alleged that in compliance of the terms of the agreement, the accused persons totally failed to maintain the financial discipline and thus, violated the terms and conditions of grant of financial facilities. Thus, prayer was made to take legal action against the accused. On the registration of the FIR, the investigation commenced and the respondents-accused were arrested. Respondent- Jagmeet Singh approached the Court of learned Additional Sessions Judge, Amritsar praying for grant of regular bail, whereas, respondent Balwinder Singh approached the court of learned Additional Sessions Judge, Amritsar praying for grant of anticipatory bail. After hearing both the sides, learned Court accepted the same and Jagmeet Singh was released on bail vide order dated 08.12.2023 and respondent Balwinder Singh was granted interim anticipatory bail vide order dated 02.12.2023, which was made absolute vide order dated 11.12.2023. Petitioner, who is the complainant, aggrieved by the same, has approached this Court by way of filing the present petitions for cancellation of bail granted to the respondents-accused.

4. Learned counsel for the petitioner has submitted that respondent Jagmeet Singh is the borrower of the loan, whereas, respondent Balwinder Singh is the co-borrower. He has submitted that respondents-accused had committed an act of cheating with the petitioner-Bank by getting the vehicle financed with the intention of not repaying the loan amount. He has



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submitted that in order to avoid the Bank from taking possession of the hypothecated vehicles, the matter have either disposed of the financed vehicles or have hidden the same since the same are not traceable. It is submitted that the respondents-accused have committed an act of criminal breach of trust and misappropriated the funds/assets of the Bank in order to get illegal financial gains with malafide intention. He submits that learned trial Court has mechanically and erroneously exercised its discretion in granting bail to the respondents-accused. He has relied upon judgments of Hon'ble Supreme Court in case of Kanwar Singh Meena Vs. State of Rajasthan, (2012) 12 SCC 180 and Mahipal vs. Rajesh Kumar, (2020) 2 SCC 118. It is further submitted that the allegations against the respondents-accused are not only serious, but have a major impact on the public exchequer and thus, bail granted to the respondents-accused be recalled.

5. Learned State counsel has drawn the attention of this Court to the status report filed by way of affidavit of Vijay Kumar, PPS, Assistant Commissioner of Police, EOW & Cyber Crime, Amritsar. He has submitted that respondent-Jagmeet Singh was in judicial custody in FIR No.132 dated 19.06.2023 and he was brought on production warrants and was arrested on 08.11.2023 in this case. He submits that so far as co-accused Balwinder Singh is concerned, he was granted relief of interim pre-arrest bail vide order dated 02.12.2023, which was made absolute vide order dated 11.12.2023. He has submitted that disclosure statement of one co-accused was recorded, in which complicity of the respondents-accused has been *prima facie* established. It is submitted that the case is under investigation and efforts are being made to arrest co-accused Kulbir Singh @ Billa, who is absconding.



6. Heard.

7. After hearing learned counsel for the parties and perusing the record, it is deciphered that respondent Jagmeet Singh was arrested and granted bail by learned trial Court and respondent Balwinder Singh was also granted pre-arrest bail by the trial Court. Precise submission made by counsel for the petitioner and the status report filed, is regarding complicity of the respondents-accused in this case and the seriousness of the offence allegedly committed by them. However, learned trial Court had appreciated the arguments of both the sides and then exercised its discretion by releasing the respondents-accused on bail. From the arguments raised and status report filed, there is nothing on record to show that the respondents-accused after having been granted bail have violated any term or condition of the bail granted to them. Moreover the present petitions for cancellation of bail have not been moved by the State on the allegations that any of the respondents-accused has ever violated the term of the bail. The allegations made in the FIR are subject matter of the outcome of the trial after appreciating the evidence led by both the sides. The parameters taken to be consideration for grant of bail and that for the cancellation of bail rest on different footing. Thus, in the facts and circumstances of the case, this Court does not find any merit in the present petition for cancellation of bail granted to the respondents-accused. Hence, the present petitions being devoid of any merit, are hereby dismissed.

11.11.2024

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Whether Speaking/Reasoned :
Whether Reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No