214 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-35727-2024
Date of decision: 8th August, 2024

Deepak Sony @ Deepak Soni
...Petitioner(s)

Versus

State of Punjab and another
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

Ms. Manju Goyal, Advocate and
Mr. Pankaj Goyal, Advocate for respondent No.2.

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MANISHA BATRA, J (ORAL):-

The instant petition has been filed by the petitioner seeking benefit of pre-arrest bail in case arising out of FIR No. 17 dated 30.06.2024 registered under Sections 420 and 120-B of IPC, 1860 at Police Station NRI, Bathinda, District Bathinda.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of written complaint filed by the complainant Gaganpreet Singh Brar alleging therein that he was engaged in the business of transport and used to avail loan for purchasing new trucks from Mahindra & Mahindra Financial Service Limited (for short 'Finance Company') from time to time. During

the year 2011 to 2017, he had taken loan for purchase of six trucks from the above mentioned finance company. The present petitioner was the manager of the said finance company. By taking respondent No.2 in good faith, he used to procure his signatures on various blank and printed papers during that relevant period of time. The respondent No.2 further alleged that on 16.02.2024, he was shocked to receive summons showing that an execution petition for recovery of sum of Rs. 31,77,315/- was pending against him. On making inquires, he came to know that the signatures obtained by the petitioner on blank papers had been misused by converting those paper as loan documents for availing loan in the name of co-accused Tarinder Kumar Bansal and showing him as guarantor of the above said accused. He also came to know that the petitioner had left his job and was running his business with co-accused Tarinder Kumar Bansal. While alleging that he had been deceived at the hands of the petitioner and wrongful loss was caused to him by showing him as a guarantor of the loan availed in the name of the co-accused Tarinder Kumar Bansal without his permission and knowledge and by mis-utilizing his blank signed documents, he prayed for taking action in the matter. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Bathinda.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The co-accused along with the petitioner had visited the office of Finance Company, wherein the petitioner had been

working as a Manager in the year 2016 and had moved application for grant to financial assistance for purchase of vehicle. The respondent No.2-complainant had stood guarantor for the said financial assistance to be given to the co-accused Tarinder Kumar Bansal and out of his own free will, he had submitted relevant documents including his identity proof and had signed the loan documents as a guarantor. It is submitted that the FIR has been lodged after a gap of more than eight years from the date of execution of the loan documents by respondent No.2. No case for commission of offence of cheating has been made out against the petitioner. He is ready to join the investigation. It is a case based on documentary evidence and custodial interrogation of the petitioner is not at all required. Therefore, it is argued that petition does not deserve to be allowed.

4. Status report has been filed by the respondent-State and reply has been filed by the complainant-respondent No.2. It is argued by learned State counsel assisted by learned counsel for the complainant that there are serious allegations against the petitioner who while working as a Manager of Finance Company and by inducing the respondent No.2 had procured his signatures on blank papers some time between the year 2011 to 2017 and had converted those blank papers signed by the complainant-respondent No.2 into documents pertaining to guarantee for repayment of loan amount availed by the co-accused Tarinder Kumar Bansal. It is also argued that the fact that co-accused Tarinder Kumar Bansal and the petitioner have been jointly doing the business of transport shows that they were hand in gloves with each other. While submitting that the custodial interrogation of the

petitioner is must for conducting thorough investigation in the matter. It is urged that the petition does not deserve to be allowed.

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

6. The petitioner is alleged to have entered into a conspiracy with co-accused Tarinder Kumar Bansal and in pursuance of the said conspiracy, he is alleged to have procured the signatures of respondent No.2 on various printed and blank papers by alluring him and by making the respondent No.2 believe him, when he was posted as a Manager in the finance company and he is further alleged to have utilized those blank signed papers by converting them into a set of documents as deed of guarantee claimed to have been executed on behalf of respondent No.2. The respondent No.2 has not denied his signatures on those documents. It is a matter of trial as to whether these documents were voluntarily executed by the complainant or his signatures were obtained on blank and printed documents by deceiving him. The case is based on documentary evidence. No recovery is to be effected from the petitioner. The subject offences are triable by Magistrate. No useful purpose would be served by detaining him in custody. Taking all these circumstances into consideration, I am of the considered opinion that the petition deserves to be allowed. Hence the same is allowed subject to compliance of the following conditions by the petitioner:-

(i) He shall furnish requisite personal/surety bonds to the satisfaction of the Arresting officer/investigating officer by appearing before him within a period of one week;

(ii) He shall appear before the Investigating Officer as and when called and submit all documents and details as may be called upon by the investigating officer.

(iii) He shall not tamper with the evidence or cause any threat or to any of the prosecution witnesses in any manner.

(iv) He shall regularly appear before the Court on every date of hearing and also and when called upon to do so during the course of trial;

(v) He shall not leave the country without prior permission of the trial Court.

(vi) In the event of violation of any of the abovesaid terms, his bail shall stand automatically cancelled.

8. It is further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

9. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

8th August, 2024
Parveen Sharma

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No