



CRM-M-37448-2024

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**217 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-37448-2024

Date of decision: 8th August, 2024

Tarinder Kumar @ Rimpal Pacca

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Pankaj Goyal, Advocate for the petitioner.

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

Ms. Manju Goyal, Advocate for respondent No.2.

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 co-accused Deepak Soni was the manager of the said finance company. By taking the complainant in good faith, he used to procure his signatures on various blank and printed papers during that relevant period of time. The complainant 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 co-accused Deepak Soni on blank papers had been mis-utilized by him by converting those paper as loan documents for availing loan in the name of petitioner and showing him as guarantor of the above said accused. He also came to know that the co-accused Deepak Soni had left his job and was running his business with the petitioner. While alleging that he had been deceived at the hands of the co-accused Deepak Soni in connivance with the petitioner and wrongful loss was caused to him by showing him as a guarantor of the loan availed in the name of the petitioner 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 before the Court of learned Additional Sessions Judge, Bathinda which has been dismissed vide order dated 17.07.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, the complainant was known to



him from the last fifteen years and they were having very cordial relations. Even the marriage ceremonies of the complainant were attended by him and his family members. The complainant had voluntarily executed documents in favour of the petitioner thereby standing as guarantor for repayment of loan availed by him and did not raise any objection to the same for a period of more than eight years. No deceit had been practised upon the complainant. The petitioner is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. Therefore, it is urged that the petition deserves to be allowed.

4. Replies have been filed by respondent-State as well as the complainant. Learned State counsel assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner. The co-accused Deepak Soni in connivance with him, in order to cause wrongful gain to the petitioner and further to cause wrongful loss to the complainant, had procured the signatures of the latter on blank signed and printed documents during the period from 2011 to 2017 when co-accused Deepak Soni was working as a Manager with the Finance Company and by misusing those blank signed papers, the same were converted into documents of guarantee to the financial assistance availed by the petitioner. The custodial interrogation of the petitioner is required for proper investigation of the matter by the police. Therefore, it is argued 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 respondent No.2-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 Deepak Soni. In pursuance of the said conspiracy, co-accused Deepak Soni is alleged to have procured the signatures of complainant. on various printed and blank papers by alluring him and by making complainant 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 claim to have been executed on behalf of the complainant. The complainant has not denied his signatures on those documents. It is a matter of trial as to whether these documents were voluntarily executed by 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.
7. 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.
8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

8th August, 2024
Parveen Sharma

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