



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

238

CRM-M-38638-2024

Date of decision: October 28th, 2024

Gurvinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rohit Kaushik, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.5 dated 27.01.2021 under Sections 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860 registered at Police Station Banur, District Patiala.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and has now been in custody in a case triable by Magistrate since 13.01.2021. Learned counsel submits that even though charges were framed way back on 04.07.2022, however, the prosecution evidence was still underway, hence, there was no possibility of the trial concluding in the near future. It has been still further argued by the learned counsel that since the entire case of the prosecution hinges on documentary evidence, which is already part of the challan, there can be no apprehension that the petitioner would be in a position to tamper with evidence.

**CRM-M-38638-2024****-2-**

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled in the FIR in question, which has been annexed as Annexure P-1 and stands reproduced hereinunder:-

*"At this time it is entered that application No.3451/OP dated 08.09.2017, from Deepak Kamboj Manager Allahbad Bank, District Mohali has been received for enquiry. In regard to the enquiry of the application Anshul Aggarwal, Manager of Indian Overseas Bank, Branch Banur, District Patiala has recorded his statement before Sub Inspector Rajinder Kumar, Economic Offence Wing, Patiala. Copy of the same is attached herewith. "Statement of Anshul Aggarwal, Manager of Indian Overseas Bank, Branch Banur, District Patiala aged about 32 years, mobile No. 98985-99922. Stated that I am posted as Manager in Indian Overseas Bank, Branch Banur, District Patiala. From 15.05.2017 I am posted there. Today myself **Gurwinder Singh** son of Avtar Singh resident of Rampur Khurd came here to record his statement alongwith the record of taking the loan of 27 Lakh from Allahbad Bank Branch Zirakpur. **Gurwinder Singh** has mortgaged his land measuring 20 bigha for an amount of Rs.20 Lakh with the bank out of land measuring 32 bighe 4 1/2 biswa comprised of 75/129 being 1½ share situated in village Rampur Khurd vide mortgage deed No.2862 dated 30.10.2023.**Gurwinder Singh** has mortgaged his land measuring 20 bigha out of total land measuring 32 bigha 4 and half marla comprised of khewat no. Khata No. 75/129 situated in village Rampurkhurd vide deed No. 2862 dated 30.10.2013 in lieu of Rs. 20 Lakh. In this regard, the Patwari Halqa Jalalpur has also entered report no. 86 dated 31.10.2013. After getting loan from our bank, **Gurwinder Singh** has*

**CRM-M-38638-2024****-3-**

*deposited Rs. 43104/- in five installments. The loan account of **Gurwinder Singh** was declared NPA on dated 30.09.2014 due to non payment of installments. Till 15.09.2014, our bank ha to receive an amount of Rs.27,01,150/- from Gurwinder Singh. Our bank has filed case in the DRT on dated 15.09.2016 for the recovery of above said amount from Gurwinder Singh. Prior to get loan from our bank, **Gurwinder Singh** had already mortgaged his land to 6 different banks and have got loans. Our bank is at 7th place with regard to give the loan amount to him. After getting loan from us, **Gurwinder Singh** has also got loan of Rs.27 Lakh from Allahabad Bank, Zirakpur. Therefore, **Gurwinder Singh** in connivance with the officials and officers of revenue department as well as the advocates who have given legal report and thus fraud has been committed. Out bank is separately taking action to get register the FIR. Bank used to give loan on the basis of legal report of the advocate and because legal opinion has been wrongly given, **Gurwinder Singh** has committed fraud with the bank. Legal action may kindly be taken against the persons who are involved in the fraud. I am presenting the attested photo copies pertaining to the loan account before you. The original record Is lying with me in the bank. When required, I will present the same before the learned court or before the police. Raj Kumar Lakhanpal was the Manger of the bank at the when the loan was sanctioned. He has since been retired from the bank. His mobile Number is 9872855675. There is no field officer in bank. The work of field officer is being done by the Manager of our bank. I have recorded my statement, which is read over and is correct.”*

4. It has also been submitted by the learned State counsel that the petitioner is involved in nine other criminal cases of similar nature.



CRM-M-38638-2024

~~-4-~~

However, it has not been disputed, on instructions, that the entire case of the prosecution hinges on documentary evidence, which is already part of the challan.

5. I have heard learned counsel for the parties and perused the relevant material on record.
6. The petitioner has been in custody since 13.01.2021 in a magisterial trial. Out of 23 witnesses cited by the prosecution, only eight have been examined till date. The trial, therefore, would take some time to conclude.
7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

October 28th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No