



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

227

CRM-M-40758-2024

Date of decision: October 16th, 2024

Davinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amritpal Singh Gill, Advocate
for the petitioner.

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

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.10 dated 06.05.2024 under Sections 409, 420, 465, 466, 467, 471, 120-B of the IPC and Section 13(1)(a) read with Section 13(2) of the Prevention of Corruption (Amendment) Act, 2018, registered at Police Station Vigilance Bureau Range Ferozepur.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 06.05.2024 in a case of false implication. It has been further submitted that even otherwise, the only role attributed to the petitioner is of having stood as a guarantor when his son raised a loan of ₹40 lakh from the HDFC Bank and he wrongly identified his son to be the owner of a land, which was in the name of one Kaushalya Devi. Learned counsel has asserted that since investigation in the present case is complete and challan also stands presented, his further incarceration would serve no useful purpose as

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there can be no apprehension of the petitioner tampering with evidence as the entire case of the prosecution hinges on documentary evidence

3. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner as well as the stage of trial.

4. On a pointed query, it has been submitted that the charges are likely to be framed on the next date of hearing i.e. 20.11.2024 and as many as 22 witnesses have been cited by the prosecution. However, learned State counsel has drawn the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1 and stands reproduced hereinunder:-

*“First Information Contents (Attach separate sheet, if required): Contents of First Information Report (attach separate paper if required)- Vigilance Bureau Range Ferozepur. Chief Officer Police Station Vigilance Bureau Range Ferozepur. From the investigation into Complaint No. 89/19 Ferozepur, it is found that according to Jamabandi for the year 2013-14 of Village Bahadur Ke, Hadbast No. 301-303, Khewat No. 127-126 Khatouni No. 208 Murabba No. 28/17/2/01 Area 14 Marlas 28/17/2/03 Area 01 Kanal 12 Marlas, 28/18 Area 07 Kanal 04 Marlas, 28/23/2/01 Area 18 Marlas, 68/6 Area 8 Kanals, Total Area 25 Kanals 19 Marlas, Kaushalya Devi widow of Hans Raj 1/4 share, Puran Chand son of Hans Raj 1/4 share, Krishna Lal son of Hans Raj 1/4 share and Rajinder Kumar son of Hans Raj 1/4 share, are owners, which are recorded in jamabandi of Patwar of Halqa Patwari and their details are recorded in Part Patwar. Navdeep Singh son of **Davinder Singh** son of Pal Singh, resident of Kohar Singh Wala, Tehsil Gurusahai, District Ferozepur, prepared fake*

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*computerized jamabandi of the said land for the year 2013-14, Hadbast No. 301-303 of which Khewat No. 127, Khatouni No. 208 Total Area 164 Kanala Area Village Bahadur Ke, Tehsil Guruharshal, District Ferozepur, in connivance with then Revenue Patwari Vinod Kumar, Halka Bahadur Ke and Joginder Singh alias Bittu who worked with him privately, in connivance with Fard Kendra Guruharsahal, District Ferozepur Incharge Parminder Singh, A.S.M. The fake Jamabandi was prepared by using the user ID of Halka Revenue Patwari Vinod Kumar No. 0420. It may also be mentioned here that as per the instructions of the Revenue Department, the computerized record of any Halka Revenue Patwari cannot be opened without his fingerprint and no change can be made. Vinod Kumar Patwari and Joginder Singh alias Bittu at Parminder Singh ASM Fard Kendra Guruharsahai, on his User ID. No. 420 had got the thumb impression of his private assistant Savinder Singh alias Bittu also registered. This thumb impression was uploaded in the revenue department system by Parminder Singh ASM, Fard Kendar Guruharsahai, whereas Parminder Singh ASM was well aware that only the thumb impression of the current revenue patwari had to be uploaded. So all the work of Vinod Kumar Patwari, was being done by said Joginder Singh alias Bittu. Thereafter on the basis of fake/wrong Jamabandis/girdawaris/documents, Navdeep Singh son of **Davinder Singh** prepared fake documents and a limit loan of 40 lakh rupees from HDFC Bank Guruharsahai, in which **Davinder Singh** son of Pal Singh, resident of village Kohar Singh Wala, Tehsil Guruharsahai, District Ferozepur and Ranjit Singh son of Dharam Singh, resident of Village Chak Somian Awan, Tehsil Guruharsahai, District Ferozepur, were the guarantors. On the basis of which, Kulwinder Singh Relationship Manager HDFC Bank, Branch Guruharsahai visited the*

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*spot and did the verification and sent the file to Bank empanelled Counsels Tejinderpal Singh Sodhi and Gulshan Manchanda (Deceased) for opinion, on which Tejinderpal Singh Sodhi and Gulshan Manchanda sent legal opinion to the bank after getting the ownership tallied regarding Jamabandi for the year 2013- 14 through Vinod Kumar Patwari. On the basis of the report given by the said Advocate Tejinderpal Singh, Navdeep Singh got the registry of the fake numbers in favor of the bank on 08.08.2016. A loan limit of Rs 40 lakh was approved by the bank in the name of Navdeep Singh. This loan limit was paid to Navdeep Singh in his HDFC bank's savings account number 50100178530591. Rapat no. 464 dated 08.08.2016 was recorded by Halka Patwari Vinod Kumar in the name of HDFC Bank. After this Navdeep Singh son of **Davinder Singh** Village Kohar Singh Wala, Tehsil Gurusahai, District Ferozepur applied for loan from Canara Bank Faridkot in September 2016. In this also, loan was applied on the basis of khasra numbers of the land mortgaged with HDFC Bank, Gurusahai. Which was mortgaged for Rs. 30 lakhs from the Sub-Registrar Gurusahai through Vasika No. 754 dated 21.09.2016, but after verifying the loan/limit, this loan/limit was not approved according to Bank Manager Surinder Kumar, Canara Bank Faridkot, but regarding this loan/limit Rapat No.28 dated 22.09.2016 regarding the loan/limit of Rs. 30Lacs from Canara Bank Faridkot, is recorded in his record by the then Revenue Patwari Vinod Kumar. Apart from this, Joginder Singh alias Bittu prepared a fake Jamabandi of 122 kanals of 13 marlas in his name, for obtaining a limit loan of Rs. 32 lacs from Axis Bank Jalalabad (District Fazilka) and case was filed at Axis Bank Jalalabad to get a limit loan, but on visit/physical verification by the bank the fact regarding fake Jamabandi was known and hence the loan limit was not approved. Vinod Kumar Patwari*



was transferred to District Fazilka, so Amarjit Singh Reveneue Patwari was posted in his place. Joginder Singh alias Bittu was also working as an assistant with him. Amarjit Singh Patwari and Joginder Singh alias Bittu, Jamabandi for the year 2013-14 Hadabast No. 301-303 village Bahadur Ke, which was recorded in the name of HDFC bank through Rapat No. 464 dated 08.08.2016, was canceled by Rapat No. 307 dated 30.04.2019 and through Fard-Badar No. 08 dated 30.04.2019 the ownership of the said area was changed again to the original owner Kushalya Devi etc. Amarjit Singh Patwari has written in the Fard Badar regarding the wrong registration of the report, that at the time of preparation of jamabandi for the year 2013-14 Khewat No. 127 Khatoni 208, owner Navdeep Singh son of **Davinder Singh** son of Pal Singh Salam Khewat area 164-0 has been wrongly recorded. In this case, vide Rapat No. 464 dated 08.08.2016 by mortgagee Navdeep Singh son of **Davinder Singh** son of Pal Singh total area 120-0, is mortgaged in favor of HDFC Bank, Guruharsahai in exchange of Rs. 40,00,000/-. Now this area is approved by Rapat No. 454 dated 08.08.2016, mortgaged canceled Rapat no. 307 dated 30.04.2019, Tehsildar 30.04.2019, Fard-Badar, during the verification of which it has been found that according to Patwari Rojnamcha, Rapat No. 464 dated 09.08. 2016 is from Arjun Singh son of Khan Singh, who has no connection with the said land. And Rapat No. 28 dated 21.09.2015 Vasika 180 dated 27.07.2009 is from Jangir Singh, who has no connection with the said land. From which it is clear that Amarjit Singh Revenue Patwari had got the entries made through Balwinder Singh Data Entry Operator, Fard Kendra, Guruharsahai, in copy of Jamabandi for the year 2013-14, Khewat no. 127, Khatauni no. 208, those entries are fake. All this conspiracy has been prepared by Singh @ Bittu, as he



*had been privately working with Vinod Kumar Patwari. The above said Navdeep Singh in connivance with Patwari Vinod Kumar and his assistant Joginder Singh @ Bittu prepared forged computerized jamabandi's of the land of Kushlya Devi etc. through Parminder Singh A.S.M. Fard Kendra Guruharsahai, District Ferozepur and the then Revenue Halka Patwari Vinod Kumar, and first obtained a loan limit of 40 lakh rupee from HDFC Bank Guruharsahai in August 2016 and later when this came to light, the amount obtained from the bank (40 lakh rupees) was deposited in April 2019. Because of this, Navdeep Vinod Kumar Revenue Patwari, Joginder Singh alias Bittu (Private assistant of Revenue Patwari) and Parminder Singh ASM Fard Kendra Guruharsahai connived among themselves and by making false entries in the records of the Revenue Department, prepared fake Jamabandi's. Amarjit Singh Revenue Patwari, Halka Bahadur-Ke, Tehsil Guruharsahal District Ferozepur, on coming to know about the fake jamabandi's prepared by the earlier Revenue Patwari Vinod Kumar, Joginder Singh private Assistant Patwari, Parminder Singh ASM Fard Kendra Guruharsahal Ferozepur, instead of taking legal action against anyone, regarding the correction of the entry of those wrong/fake deposits, report Fard-Badar report No. 238 dated 19.03.2019, was prepared, and by making the entry, got them approved by Halka Kanungo and Tehsildar Guruharsahai on 30.04 2019. Kulwinder Singh Relationship Manager, HDFC Bank Branch Guruharsahai helped in obtaining Agri Loan-Limit by visiting/physically verifying the land with fake/wrong jamanbandi's. Guarantor **Davinder Singh** son of Pal Singh, resident of village Kohar Singh Wala, Tehsil Guruharsahai District Ferozepur, helped Navdeep Singh to obtain loan-limit on the basis of fake/false collaterals/documents by giving false guarantee/witness on the documents. Because of this, Navdeep Singh, Vinod*

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*Kumar Revenue Patwari, Joginder Singh alias Bittu, (Private assistant of Revenue Patwari), Parminder Singh A.S.M. Fard Kendra Guruaharsahai, Ferozepur, Amarjit Singh Revenue Patwari Halka Bahadur Ke, Tehsil Guruaharsahai, District Ferozepur, Kulwinder Singh Relationship Manager, HDFC Bank Branch Guruaharsahai, district Ferozepur, in connivance with each other, by preparing wrong and forged Jamabandi's/Girdawri's/forged reports, have committed fraud on a large scale and have manipulated the revenue record in connivance with each other. Because of this, Navdeep Singh son of Davinder Singh, resident of village Kohar Singh, Tehsil Guruaharsahai, District Ferozepur, Vinod Kumar Revenue Patwari Halka Bahadur Ke, Tehsil Guruaharsahai District Ferozepur, Joginder Singh alias Bittu (Private assistant of Revenue Patwari), Parminder Singh, A.S.M. Fard Kendra Guruaharsahai Ferozepur, Amarjit Singh Revenue Patwari Halka Bahadur Ke, Tehsil Guruaharsahai District Ferozepur, Kulwinder Singh Relationship Manager, HDFC Bank Branch Guruaharsahai, Ferozepur, Guarantor **Davinder Singh** son of Pal Singh resident of Village Kohar Singh Wala, Tehsil Guruaharsahal District Ferozepur, have committed the offense u/s 13 (1) (a) r/w 13 (2) of P.C. Act, 1988 as amended by P.C. (Amendment) Act, 2018, section 409, 420, 465, 466, 467, 471, 120-B I.P.C. FIR registered under these sections."*

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 06.05.2024. The trial would take considerable time to conclude. There can be no apprehension of the petitioner tampering with evidence as it is already part of the challan.



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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.

October 16th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No