IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-42408-2024
Date of decision: 04.09.2024

Sandeep Singh @ Sonu .....Petitioner

Versus

The State of Haryana .....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

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MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.75 dated 25.01.2019 under Sections 406, 420, 467, 468, 471, 120-B of the IPC, 1860 registered at Police Station Civil Lines, District Karnal.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and has now been in custody since 06.06.2023. Although the challan stands presented and even charges framed, however, the trial has been proceeding on a very slow pace as only 01 out of the 37 prosecution witnesses has been examined till date. It has been further submitted that it is a case resting on documentary evidence which is already a part of the challan, hence, there can be no apprehension of the petitioner tampering with the evidence.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has disputed the stage of trial and has submitted that prosecution evidence is yet to commence. It has been further submitted that there are serious allegations against the petitioner, who along with 26 others, defrauded IDBI Bank by mortgaging of security at the time of issuance of Kisan Credit Cards. Learned State counsel has also placed on record the custody certificate of the petitioner wherein it stands reflected that the petitioner is involved in other criminal cases including one case of identical nature.

4. I have heard learned counsel for the parties and perused the material placed on record including the allegations levelled in the FIR which stands reproduced hereinunder:-

> *"To SHO Police Station Civil Lines Karnal Subject: Registration of FIR against the accused person on allegation of committing fraud by the borrowers with the bank pertains to their loan account and to further investigate the matter. It is submitted that 1, Rajinder Singh son of Gurmej Singh aged 40 years is working as Branch Manager in IDBI Bank Ltd SCO 224, Sector 12 Karnal. In reference to our discussion took place on 12.1.2019 and 19.1.2019. IDBI Co Ltd is a company constituted under the Companies Act 2013 and u/s 5 (c) Banking Regulation 1949 is a banking company and is having head office at IDBI Tower World Trade Centre Complex Cuf Parade, Mumbai 400005 and is having branch office at SCO 224 Sector 12, Karnal. We wish to report the matter pertaining to fraud committed with our bank and the details of which are as under:- 1. From time to time the various borrowers in order to avail the financial help in the shape of Kisan Credit Card has produced various KYC document i.e. jamabandi, mutation, girdawari alongwith their loan application in the IDBI bank. Besides this all the borrowers has accepted their affidavits that the land is free from all encumbruncement and they have never previously obtained any loan from any bank or institution, financial institution by mortgaging*

their land. 2. The bank has got verify the documents submitted by the land owners through their panel Advocate. In respect of all these matters, the panel advocate of the bank has declared, the land sought to be mortgaged is free from encumbrancement and is clear and saleable. 3. Thereafter, the bank has principally consented to the declaration letter for the purpose of granting the loan facility. Thereafter, the borrowers after the sanction of the loan facility, execute the different loan agreement, surety document in favour of the IDBI bank and mortgage their property, execute the demand and promise letter. The bank has intimate in respect of the alleged mortgaged deed got execute by the borrowers to the concerned tehsildar and revenue official and made a request to make a entry in respect of mortgage deed in the revenue record. All these letters has accepted by the concerned office of Sub Registrar. Thereafter, the concerned Advocate has verified the entries of mortgage deed in respect of agriculture land in the revenue record with the lien of the bank. 5. After the execution of the loan and surety document the IDBI Bank had time to time has disbursed the loan to the borrowers. 6. Thereafter the bank has suspected during the recovery proceedings of the interest of the loan account. Thereafter the loan and surety documents given by the borrowers has been verified. Upon enquiry by the concerned Advocate it has been found that the borrowers has given the false affidavit at the time of obtaining the loan that the land is free from all kind of encumbrances and they have not obtained any loan from any other bank, financial institution on the agricuture land. Besides this, the fake revenue record have been deposited at the time of availing the loan. The list of borrower as under: 1. Bhagwant Singh s/o Dalbir Singh r/o Village Sonkra Distt Karnal Parveen Kumar Maan 05.07.2017, 307 2. Sucha Singh s/o Tirlok Singh Sharma r/o Village Bilona Distt Karnal Smt Manju Sharma 21.08.2017 367 3. Shamsher Village Agondh Distt Karnal Parveen Kumar Maan 05.07.2017 305 4. Darshan Singh Village Balu Distt Karnal Smt Manju Sharma 07.07.2017 321 5. Balvinder Singh Village Balu Distt Karnal Smt Manju Sharma 07.07.2017 321 6. Joginder Singh Village Balu Distt Karnal Smt Manju Sharma 07.07.2017 313 7. Sandepe Singh Village Balu Distt Karnal Parveen Kumar Maan 26.05.2017 243 8. Raghubir Singh Village Bansa Distt Karnal Smt Manju Sharma 26.05.2017 238 9. Kulwant Singh Village Bansa Distt Karnal Smt Manju Sharma 05.07.2017 309 10. Amrik Singh Village Bansa Distt Karnal Smt Manju Sharma 26.05.2017 244. Jaj Singh Village Bilona Distt Karnal Parveen Kumar Maan 26.05.2017 240 11. Kabal Singh Village Budhanpur Viran Distt Karnal Smt Manju Sharma

> *26.05.2017 241 13. Jagdeep Singh Village Budhanpur Viran Distt Karnal Parveen Kumar Maan 18.07.2017 330 14. Jaswinder Kaur w/o Kulwinder Singh Village Budhanpur Viran Distt Karnal Smt Manju Sharma 07.07.2017 318 15. Amritpal Singh Village Budhanpur Viran Distt Karnal Smt Manju Sharma 07.07.2017 317 16. Amrinder Singh Village Budhanpur Viran Distt Karnal Smt Manju Sharma 05.07.2017 300 17. Harmeet Singh Village Budhanpur Viran Distt Karnal Smt Manju Sharma 05.07.2017 304 18 Jagmohan Singh Village Budhanpur Viran Distt Karnal Smt Manju Sharma 05.07.2017 302 19. Jaswinder Kaur w/o Gurjeet Singh Village Budhanpur Viran Distt Karnal Smt Manju Sharma 05.07.2017 303 20. Gurkirat Singh Village Budhanpur Viran Distt Karnal Smt Manju Sharma 05.07.2017 301 21. Satbir Singh Village Jani Distt Karnal Smt Manju Sharma 07.07.2017 320 22. Hardev Singh Village Khijrabad Distt Karnal Smt Manju Sharma 26.05.2017 239 23. Bhag Singh Village Parwala Distt Karnal Smt Manju Sharma 07.07.2017 315 24. Dalip Singh Village Parwala Distt Karnal Smt Manju Sharma 07.07.2017 312 25. Pardeep Duhan Vilalge Phaphrana Distt Kanral Smt Manju Sharma 26.05.2017 242 26. Ramjuvari Village Picholia Distt Karnal Smt Manju Sharma 07.07.2017 316 27. Roop Chand Village Picholia Distt Karnal Smt Manju Sharma 07.07.2017 314."*

5. Evidently it is a case based on documentary evidence, which is now part of the challan. Hence, there can be no apprehension of the petitioner tampering with evidence. The trial would take considerable time to conclude as at least 36 prosecution witnesses remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

04.09.2024 **(MANJARI NEHRU KAUL)**
Vinay **JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No