IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM-M-59368-2023

Date of Decision:-19.03.2024

Rajesh.

......Petitioner.

Vs.

State of Haryana.

......Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. B.S. Rana, Senior Advocate assisted by
Mr. Ved Parkash, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

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JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.304 dated 09.09.2023 under Sections 419, 420, 467, 468, 471 and 120-B IPC registered at Police Station Civil Line Jind, District Jind.

2. The present FIR came to be registered at the instance of Ms. Sangita, Manager PNB, Main Branch, Jind which reads as under:-

> " *To The Station House Officer, P.S.Civil Lines, Jind. Sub: Complaint for taking legal action against Rajesh slo Om Singh 2- Smt. Savita w/o Rajesh s/o Om Singh, both rs/o village Dalamwala Teh Distt. Jind, for commit- ting fraud by preparing false, fake forged, fictitious Fixed deposit receipts of Punjab National Bank, Main Branch, Jind by using forged documents, forged seal of bank and making forged signatures of bank officials. Sir, It is submitted as under:-1- That applicant is serving as Branch Manager, Punjab National Bank, Main Branch Jind. 2-*

That on 24-11-2022 e mail was received by Branch Manager, Punjab National Bank, Main Branch Jind for verification of Fixed Deposit No.023100DP77620098, for Rs.7,00,000/-maturity date 16- 12-2022, No.023100DP45765432 for Rs. 6,50,000/-maturity date 9-7-2023, No.023100DP66532913 for Rs.5,00,000/- maturity date 14-10-2023,, in the name of Rajesh s/o Om Singh r/o village Dalamwala Teh, and Distt.Jind FD No.0231100DP88872902 for Rs.6,50,000/ maturity date 22- 12-2022 No.023100DP88870998 for Rs.6,00,000/- maturity date 21-9-2023, in the name of Savita w/o Rajesh r/o village Dalamwala Teh. Distt.Jind, 3- That on verification of the above said FDRs then it was found that the above said accused persons prepared false, fake, fictitious and forged FDRs by using forged documents seal of the bank, making forged signatures of the bank officials. The accused persons used the above said FDRs as original and deposited the same Bond University Australia as liquid fund. These facts have been verified by the bank officials vide verification.4- That after verification of the record of the Bank regarding the above said FDRS it was found that there is no any account of the above said accused in Punjab National Bank, Main Branch Jind and not deposited any amount in shape of FDRS in the Bank. The Bank never issued any FDRS in favour of the accused. 5- That the accused persons prepared forged FDRS by using, by using forged documents, forged seal of the bank, making forged signatures. The accused persons used the above said FDRS as original for their unlawful gain. In this manner the accused persons committed fraud with Bank by preparing forged FDRS of Punjab National Bank. It is, therefore, prayed that strict legal action may kindly be taken against the above said both accused persons for committing fraud by preparing fixed deposit receipt of Punjab National Bank, Main Branch Jind by using forged seal of the bank, making forged signatures of the bank officials, Jind dt. 12-7-2023. Sd/- Sangita Branch Manager, Punjab National Bank, Main Branch, Jind. Police Proceedings xxxxx."

3. During the course of investigation and on verification of the records of the bank regarding the above mentioned FDRs, it was found that

there was no account of the petitioner and his co-accused with the PNB, Main Branch, Jind and they had not deposited any amount in the shape of the FDRs with the bank. The bank had also never issued any FDRs in their favour. Apparently, the accused persons had prepared forged FDRs thereby committed a fraud with the bank. The petitioner was arrested and disclosed that the case file regarding the study visa of Sachin had been prepared by Narinder Malik (granted anticipatory bail vide order dated 27.02.2024 in CRM-M-62843-2023) and Mukesh Mehla. Both these persons had showed fixed deposit documents in the name of Rajesh (petitioner) and Savita wife of the petitioner.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The FDRs in question had been fabricated by Narinder and his co-accused Mukesh Mehla. The petitioner had disclosed sufficient funds in his bank account to send his son Sachin abroad. Though there were allegations of forgery, no person had been deceived in any manner or had suffered any financial loss and Narinder himself had been granted the concession of anticipatory bail. As the petitioner was a first time offender, in custody since 23.10.2023 and the investigation was on the verge of completion, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail, moreso when the case was triable by the court of a Magistrate.

4. The learned State counsel on the other hand has filed a reply by way of affidavit dated 18.03.2024 of Mr. Rohtash Singh, HPS, Deputy Superintendent of Police, Law and Order Jind, District Jind in the court today, which is taken on record. While referring to the reply he contends that the FDRs in question had been fabricated by the petitioner and his co-

accused enabling Sachin son of the petitioner to travel to Australia. The nature of the allegations did not entitle him to the concession of bail. He however concedes that the petitioner was a first time offender, in custody since 23.10.2023, co-accused Narinder had been granted the concession of anticipatory bail and that no financial loss had been suffered by anyone.

5. I have heard the learned counsel for the parties.

6. This Court in the case *titled as* ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab*** bearing ***CRM-M-24033-2021(O&M)*** *Decided on* ***31.08.2022*** has held as under:-

> " *Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts), in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant."*

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the trial. Admittedly, Narinder co-accused has been granted the concession of anticipatory bail. The petitioner is stated to be in custody since 23.10.2023 and the investigation is on the verge of completion. He is also a first time offender. Nothing significant has been pointed out by the State that the petitioner would abscond from the Trial, tamper with the evidence or influence the witnesses if he is granted the concession of regular bail. Therefore, his further incarceration is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Rajesh** of Sh. Om Singh is ordered to

be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 19, 2024
Vinay

Whether speaking/reasoned	***Yes/No***
Whether reportable	***Yes/No***