

CRM-M-60537-2023

2024:PHHC:042374

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CRM-M-60537-2023

Date of Decision : March 06, 2024

Sakeel

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Arihant Jain, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Saurav Bhatia, Advocate
as *amicus curiae* for the complainant.

KULDEEP TIWARI, J.

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.410 dated 8.6.2022, Under Sections 420/467/468/471/120-B IPC, registered at Police Station Sector-8, Faridabad.

2. The instant FIR has been registered on a complaint made by Noor Mohammad son of Shri Jormal, wherein, he alleged that the present petitioner alongwith Jubair offered to get his tractor and water tanker deployed at Airport for water supply and under the pretext of this, took the copies of his Aadhar card, PAN Card and registration certificate of tractor. Subsequently, when he went to Sarv Haryana Gramin Bank, Aherwan, for taking loan against his land, the complainant was shocked

to find that some one had already obtained loan of Rs.20,00,000/- by hypothecating his land to Induja Finance Leyland. The complainant further enquired and came to know that some person had obtained loan by producing Aadhar Card and Pan Card as well as revenue record of petitioner's land and also the same documents of his son Jamshed and loan had been obtained by Kismati wife of Jamshed but the loan application was neither bearing his signatures/thumb impressions, nor of his son Jamshed. In this way, the complainant has been cheated by taking a loan of Rs.68,00,000/- on his name, from 5 different financial institutions.

3. During investigation, it transpired that infact the accused persons including the present petitioner with ill-will had committed cheating and forgery, by way of conspiracy by using the Ids of the complainant and his son Jamshed and obtained a loan of Rs.68,00,000/- for purchasing a JCB machine, poclain machine, two Sonalika tractors and farmer tractors and thereby, caused loss to the complainant.

4. During hearing of the instant petition, the complainant appeared in person and submitted that he has no money to engage a lawyer, therefore, this Court has appointed Mr. Saurav Bhatia, Advocate as *amicus curiae* for the complainant.

5. In the asking for the relief, the learned counsel for the petitioner submits that all the offences are triable by the learned Judicial Magistrate 1st Class and the present petitioner was arrested way back on 26.3.2023 and till date the trial has not been concluded, therefore, he may be enlarged on regular bail. He further submits that there is nothing on

record to connect the present petitioner with the alleged crime and infact he has been falsely implicated, rather his co-accused Jamshed is the person, against whom the allegations of forgery and cheating have been levelled.

6. Learned counsel for the complainant has submitted that infact the petitioner in collusion with other co-accused, had misused the documents of the complainant and his son, took huge loan from five banks/financial institutions. He further submits that the petitioner was arrested way back on 26.3.2023, though they have confessed the guilt but did not get recover the JCB, tractors and poclain machine, which have been taken on loan by the petitioner and co-accused, illegally hypothecating the land of the complainant. Infact, they have disclosed that they have sold all machines and tractors to some one through Arif son of Ajeez and poclain machine through Sagoon, r/o Marokhada, District Palwal. He further submits that only out of seven persons, who were arraigned in the instant FIR, the present petitioner and his brother Jamshed has been arrested and no recovery has been effected from them. He further submits that the complainant has no source of living except the present land upon which the present petitioner in conspiracy with other co-accused has created huge loan, therefore, deprived him from his livelihood. Learned counsel for the complainant has placed reliance upon the judgments passed by the Hon'ble Supreme Court in **Y.S.Jagan Mohan Reddy Vs. Central Bureau of Investigation, (2013) 7 SCC 439, State of Bihar and another Vs. Amit Kumar @ Bachcha Rai,**

(2017) 13 SCC 751 and Rohit Tandon Vs. Directorate of Enforcement

(2018) 11 SCC-46 to submit that the economic crimes are affecting the society and, therefore, simply because the length of incarceration, as suffered by the petitioner, he cannot be granted the relief of regular bail.

7. With the able assistance of the learned counsel for the parties concerned, this Court has examined the entire record and the status report as filed by the State counsel and is of the view that the present petitioner does not deserve the relief of regular bail.

8. During investigation, it transpired that the Investigating Officer has taken into possession the CCTV footage, whereby, the accused persons are seen taking the delivery of JCB machine, tractors and poclain machine. There is a direct evidence against the petitioner, therefore, considering the gravity of the offence and the loss, which the complainant has suffered, this Court is not inclined to grant the relief of regular bail to the petitioner.

9. In view of the above, the instant petition is, hereby, **dismissed.**

10. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

March 06, 2024
ajay-1

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No