IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-424-2025 (O & M)
Date of decision: 15.01.2025

Rameshwar .... Petitioner

V/s

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Parveen Kumar, Advocate,
with Mr. Rishi Pal Chaudhary, Advocate,
for the petitioner.

Mr. Viney Phogat, DAG, Punjab.

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JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 483 of BNSS, 2023 is for the grant of regular bail to the petitioner in a case FIR No.918 dated 23.11.2022 under Sections 420, 467, 468, 471 IPC and Section 201 IPC (added later on) registered at Police Station Panipat City, District Panipat.

2. The present FIR came to be registered at the instance of Ajit Rana, Authorized Signatory of the HDFC Banki Ltd. and reads as under:-

> *"Copy of complaint is as under :- To The Superintendent of Police Panipat (Haryana) Subject: Complaint against Rameshwar S/o Jagdish Chander R/o VPO Ishaq, Tehsil Pehowa, Kurukshetra, Haryana, for registration of criminal case under appropriate sections which are applicable. Sir, 1. The complainant is HDFC Bank Ltd. ("Bank'), a corporate body, having registered office at HDFC Bank House, Senapati Bapat Marg, Lower Parel (West), Mumbai 400013 and its one branch office at G.T. Road, Panipat (Haryana), the present*

complaint is being filed through Mr. Ajit Rana (Employee Code: A39838) who duly authorized on behalf of the Bank to file the present complaint. The Bank reserves its right to substitute the complainant in due course of law. 2. That the Bank offers various products and services to its customers and one of them being Personal Loan to salaried employees. 3. That the accused Rameshwar S/o Jagdish Chander approached the Bank through DSA M/s Andromeda Sales Distribution for availing Personal Loan and introduced himself as Assistant Manager in Bharti Airtel Limited, BDO Office Road, Ladwa, Distt. Kurukshetra and resident of VPO Ishaq, Tehsil Pehowa, Kurukshetra and submitted copy of his PAN Card, Aadhaar Card, Salary Slips and Bank Account Statement of Indusind Bank etc. His loan application was processed in accordance with the prescribed credit policy and bureau check from CIBIL was conducted and thereafter, loan of Rs.10,00,000/- was sanctioned vide Loan No. 63348772 and disbursed in his bank account on 10.01.2019. 4. That the accused Rameshwar availed the moratorium after paying few EMIS and after that, he started to default in making the payment of monthly installments to the Bank. During investigation, it was found that the accused Rameshwar had falsely pretended himself to be a Assistant Manager in Bharti Airtel Limited, BDO Office Road, Ladwa, Distt. Kurukshetra and by submitting forged and fabricated documents intentionally deceived the Bank to get the loan in his favour. 5. That the accused Rameshwar cheated the Bank by deceiving and by preparing and submitting the false and fabricated documents to the Bank on the basis of which the Bank sanctioned and disbursed the loan to him and hence by this act, the accused Rameshwar has committed the offense of cheating and forgery. In view of these submissions, it is prayed that FIR may kindly be registered against Rameshwar who has committed the offenses under various sections of the Indian Penal Code as well as under other relevant Acts as the matter *requires detailed investigation. Accused be arrested and be dealt with according to law. Place: Panipat Complainant HDFC Bank Ltd. through its Authorized Signatory Ajit Rana 9991543460 Date-23.11.22".*

3. Pursuant to the registration of the FIR, it transpired that a sum of Rs.09,80,400/- had been transferred in the account of Rameshwar (petitioner) who had transferred a sum of Rs.4,99,998/- into the account of the Madan Singh (since granted bail vide order dated 18.03.2024 in CRM-M-12869-2024). Madan Singh was arrested on 30.09.2023 and suffered his disclosure statement confessing his involvement with co-accused Rameshwar in cheating the complainant-Bank.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Madan Singh his cousin had committed the offence in question using the bank Account of the petitioner. As he was in custody since 29.08.2024, none of the 10 prosecution witnesses had been examined so far and the case was Triable by the Court of a Magistrate, he was entitled to the concession of bail, moreso, when his co-accused had been granted bail.

5. The learned counsel for the State, on the other hand contends that Madan Singh alongwith the petitioner cheated the Bank of a huge amount of money. Therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner was in custody since 29.08.2024, none of the 10 prosecution witnesses had been examined so far, that the case was triable by the Court of a Magistrate and that a co-accused had been granted bail.

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

7. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(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.*"

8. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated during the course of the Trial. Admittedly, the petitioner is in custody since 29.08.2024 and none of the 10 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Even otherwise, the present case is triable by the Court of a Magistrate and no serious apprehension has been expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, the further incarceration of the petitioner is not required, moreso, when a co-accused has been granted the similar relief.

9. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Rameshwar is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case(s)/crime other than the cases referred to in the present petition.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

12. The present petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

15.01.2025
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No