

2025:PHHC:065242



222.

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

CRM-M-3567-2025 (O&M)

Date of decision: 14.05.2025

Sukhdev Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ajay Pal Singh Rehan, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-2562-2025

Application is allowed, as prayed for.

CRM-M-3567-2025

1. Prayer in this petition filed under Section 483 of BNSS is for grant of regular bail to the petitioner in case FIR No.52, dated 23.08.2017, under Sections 419, 420, 465, 467, 468, 471, 120-B of IPC (Section 13(1-D) read with Section 13(2) of the Prevention of Corruption Act, 1988 added lateron), registered at Police Station Kalanaur, District Gurdaspur.

2. Learned counsel for the petitioner submits that the allegations levelled against the petitioner pertaining to his alleged involvement in a conspiracy to fraudulently obtain a bank loan through impersonation and fabrication of documents are unfounded, false, and unsupported by any

cogent material. It is submitted that the petitioner has been falsely implicated in the instant case, and there is total absence of any substantive evidence indicating his complicity.

3. It is further contented that the petitioner has been in custody since 07.11.2024 and has not been keeping good health as he is an HIV positive patient. In support, learned counsel has drawn the attention of this Court to Annexure P-2, which are some medical reports of the petitioner.

4. *Per contra*, learned State counsel, while vehemently opposing the prayer and submissions made by the counsel opposite, has drawn the attention of this Court to the allegations levelled in the FIR in question (Annexure P-1), which stands reproduced hereinunder:-

"To The S.S.P. Sahab, Gurdaspur. Subject: Complaint against (1) Manager, (2) Field Officer, (3) concerned Clerk Allahabad Bank, Saagarpur (Batala), (4) Naib Tehsildar Kalanaur, (5) Registry Clerk Sub-Tehsil Kalanaur, (6) Patwari Halqa Satinderpal Singh, (7) Girdawar Halqa village Bhojraj, Tehsil & District Gurdaspur. Sir, It is submitted that I, Sucha Singh son of late Wassan Singh son of Sh. Hakam Singh, am the resident of village Bhojraj, Police Station Ghumman Kalan, Tehsil & District Gurdaspur. (1) That the above Manager, Field Officer, Clerk, all the three of Allahabad Bank, Saagarpur, Batala, by impersonation through some unknown persons in connivance with Naib Tehsildar, Kalanaur and Registry Clerk of Sub Tehsil Kalanaur, Patwari Halqa Satinderpal Singh and Girdawar Halqa Bhojraj, have executed a mortgage deed pertaining to the land of my father Wassan Singh son of Hakam Singh measuring 70 kanals 16 marlas located in village Bhojraj, Tehsil and District

Gurdaspur, against a loan of Rs.26,30,267/- vide Rapat No.402 dated 2.8.2015 (through Kissan Credit Card) and at this stage, one list of payment of Rs.36,65,000/- has been prepared. (2) That my father did not raise any loan nor has he gone either to Bank or Tehsil. This all has been done in connivance with each other. A loan of lacs of rupees has been shown against the land of my father and the land has been mortgaged with the bank and its entry has been affected in the jamabandi. In this manner, above mentioned 7 persons have connived with each other and have cheated and played fraud upon me. I have this suspicion also that more facts will come to light by enquiring into this matter to the effect that they have by producing fake witnesses have fraudulently withdrawn the money against the lands of other people also against fake Kissan Credit Cards by opening fake accounts. Kindly summon the abovesaid Manager, Field Officer, concerned Clerk of Allahabad Bank Saagarpur Batala and Naib Tehsildar Kalanaur, Registry Clerk Sub Tehsildar Kalanaur, concerned Patwari Satinderpal Singh and concerned Girdawar Halqa, all of them, in your office and a case may be registered against them after holding an enquiry in the matter and we may be provided justice. Note: Kindly ensure to take the entire record in own possession from the concerned officials before holding an enquiry and their salary may be stopped. I shall be thankful. Applicant Sucha Singh son of late Wassan Singh, r/o Bhojraj, Police Station Ghumman Kalan, Tehsil & District Gurdaspur. Mob. No.7508169936 Dated: 9.3.2017.”

5. It has been submitted that a perusal of the FIR clearly reveals that the allegations are grave and serious in nature, and involved deliberate acts of fraud. It has been further contended that the petitioner remained absconding for a period exceeding 05 years and was declared a proclaimed offender in 2019. It was only on 07.11.2024 that he was arrested in the present case. Learned State counsel has urged that prolonged non-appearance of the petitioner, demonstrates a clear and conscious disregard for the legal process. It has been submitted that the petitioner's eventual surrender after such an extended lapse of time disentitled him to the concession of bail.

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

7. Prima facie, the allegations in the FIR are of a serious and grave nature, involving deceitful conduct and conspiracy to commit financial fraud. It is undisputed that the petitioner was declared a proclaimed offender as early as on 08.07.2019, and he remained absconding for a considerable period, surrendering only on 07.11.2024. It also needs to be noted that the charges were framed against the petitioner only on 07.02.2025, a delay that is directly attributable to the prolonged abscondance of the petitioner and non-cooperation with the investigation and the proceedings before the Trial Court. No material has been placed on record by the petitioner to satisfactorily justify his non-appearance for the significant period between 2019 and 2022. Although, the petitioner has

placed on record certain medical documents to explain his absence, it is evident that the said documents pertained only to the year 2022 onwards. Therefore, the medical records are insufficient to provide any plausible explanation for the abscondence of the petitioner for over 05 years.

8. In light of the foregoing and keeping in view the serious nature of allegations, the conduct of the petitioner in evading the process of law, this Court is not inclined to extend the concession of bail to the petitioner as he could still abscond leading to further delay in the conclusion of the trial.

9. Present petition stands dismissed accordingly.

10. 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.

(MANJARI NEHRU KAUL)
JUDGE

May 14, 2025
sanjeev

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