



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

Sr. No.202

CRM-M-23786-2021

Date of Decision: 11.09.2025

Deep Chand

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Rohit Singh, Advocate (through video conferencing), for
Mr. S.S. Dinarpur, Advocate, for the petitioner.

Mr. Amit Sahni, Additional Advocate General, Haryana.

Ms. Nirmala Jangra, Advocate, for
Mr. Sachin Gupta, Advocate, for respondent no.2.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.149 dated 15.10.2018, registered under Sections 406, 409, 420, 467, 468, 471, 120-B IPC at Police Station Buria, District Yamuna Nagar, Annexure P-1, along with all subsequent proceedings arising therefrom, including challan dated 20.12.2019, Annexure P-11.

2. Learned counsel contends that the petitioner has been falsely implicated in the case and has already paid the due amount of loan taken from the Yamuna Nagar Central Co-operative Bank Ltd., as apparent from the No Dues Certificate (NDC) dated 03.12.2019, Annexure P-14. Therefore, lodging of the FIR against him and the proceedings pursuant thereto are vitiated, and need to be set aside.



3. Learned State counsel contends that sufficient material has been found during investigation that the petitioner, along with co-accused, has committed forgery and manipulated the revenue records to submit false documents with a view to defrauding the Bank. A specific reply to that effect has been filed by way of affidavit, dated 14.12.2021, relevant paragraphs whereof read as under:

3. That in this regard it is submitted that a case bearing FIR No. 149 dated 15.10.2018 U/s 406/409/420/467/468/471/120B IPC was registered against Kusum Rani w/o Subhash Choudhary, Subhash Choudhary Ex-MLA s/o Amar Singh, Ashok Kumar s/o Amar Singh, Deep Chand s/o Ramnath on the complaint of Sh. Rajbir Singh, Branch Manager, The Yamunanagar Central Co-operative Bank, Yamunanagar, Branch-Odhri at PS Buria in respect of mortgaging the barren land by showing it as cultivatable land for availing loan facility from complainant bank. In the said complaint it was alleged that Subhash Choudhary Ex-MLA (accused No.2) is the real brother of accused no.3 and is ex-minister of State of Haryana and remained M.L.A. two times in Haryana. Rajbir Singh is the Branch Manager at Odhri, therefore he is competent to file the present complaint. That Kusum Rani (accused no.1) is the wife of Subhash Choudhary Ex-MLA (accused No.2) and petitioner (accused no.4) was the political advisor of the Subhash Choudhary Ex-MLA (accused No.2). The above named accused hatched a conspiracy to defraud the complainant bank by obtaining the loan on fictitious papers with the intention to grab the money. As per the conspiracy, Subhash Choudhary Ex-MLA (accused No.2) planned to show purchase of land in the name of his wife Kusum Rani (accused no.1). Subhash Choudhary Ex-MLA (accused No.2) had forged an agreement dt.17-06-2009 to purchase the land measuring 32K-OM comprising Khasra no.38//14, 17, 21, 24 situated in village Odri from Mam Chand, Chaman Lal, Mukesh Kumar, Ramesh Kumar Sons of Jai Parkash S/o Govind Ram s/o Bansi Lal R/o village Johdipura Mohalla, Jagadhri with malafide intention. The above said Mam



Chand and others were members of the family of Subhash Chaudhary. In the said complaint, it was further alleged that in fact no land was agreed to be sold, the agreement was prepared only to obtain the loan. The petitioner (accused no.4) was shown witness on the said agreement. On the basis of aforesaid agreement dt.17.6.2009, loan application was moved for getting loan of 36 Lac and Subhash Choudhary Ex-MLA (accused No.2) stood guarantor and submitted an affidavit dt. 29.7.2009 that he has income of Rs.10,20,000/-per annum from his agriculture land and he will be bound to repay the same out of his personal income. Ashok Kumar (accused no.3) brother of Subhash Choudhary Ex-MLA (accused No.2) was chairman of Board of Directors of the complainant Bank and Subhash Choudhary Ex-MLA (accused No.2) was the Minister in State of Haryana and both were having high influence and they in furtherance of their common intention forged the documents i.e. copies of Jamabandi and Girdawari. The land shown to be purchased was Gairmumkin Chow (Uncultivable land) but the accused submitted the documents with the application i.e. copy of Jamabandi for the year 2002-2003 shown to be received on 1.6.2009, the nature of land was shown as Chahi (Irrigated and Cultivable) and as per Girdawari for the period from 30.9.2008 and 22.2.2009 crop of Sugarcane was shown on the said land. On the basis of the above said documents, loan was sanctioned on 20.7.2009 by the complainant bank and disbursed to Kusum Rani (accused no.1). Similarly, another agreement dt 25-08-2010 (Annexure P2) was also prepared between regarding purchase of land measuring 48 Kanal which is owned by accused no.3 in favour of petitioner (accused no.4). The petitioner (accused no.4) also submitted an application for loan of Rs.35 Lac and similarly the said loan was also got sanctioned by Ashok Kumar (accused no.3) on 9.9.2010. The accused persons after obtaining loan amount from complainant bank did not repay single Penny (penny) towards loan amount. The complainant bank served notices to the accused calling them to repay the loan amount. But the accused again concocted a story that the land which was purchased after obtaining the loan had



been damaged in the flood and became uncultivable, therefore they could not repay the same. Kusum Rani (accused no.1) alongwith other co-accused was within the knowledge from very beginning that the land was uncultivable and no income can be derived from the said land. The project reports were also prepared false and the income as shown in the project report was not possible from the land alleged to be purchased. The copies of the Jamabandi filed by the accused to the bank was not the actual copies of the revenue record. In the revenue record the land was shown as uncultivable, whereas the copies of the revenue record filed by the accused to the bank had shown the land as cultivable. The complainant got the copies of the Revenue record of the relevant time in which the land was shown as uncultivable, whereas in the copies produced by the accused are forged and fabricated document and procured by the accused in collusion with Halka Patwari of that time. The accused persons used the forged and fabricated documents knowingly that the said documents are forged and fabricated and mortgaged the land with the complainant bank only with intention to wrongful loss to the bank and wrongful gain to themselves. The accused had misused their powers. The above said accused in furtherance of their common intention have committed fraud.

4. That on the basis of aforesaid complaint, present 406/409/420/467/468/471/120B IPC was registered at P.S. Buria vide FIR No. 149, dt. 15-10-2018 (Annexure P1). After registration of case, investigation was carried out and during course of investigation revenue record i.e. jamabandi and girdawri for the year 2003, 2008, 2009, 2017, 2018 in respect of land in dispute were taken into police possession from complainant bank vide case diary no 2 dated 28.10.2018. The original loan file pertaining to the accused Kusum Rani was taken into police possession on 30-10-2018. The original loan case file pertaining to petitioner was taken into police possession on 17-11-2018.

5. That during the course of investigation, it was found that on the basis of agreement dt. 17.6.2009, an application for grant



of loan of Rs.36 Lac was moved to the complainant bank and Suhash Chaudhary (accused No. 2) stood guarantor and submitted an affidavit dt. 29.7.2009 that he had an income of Rs.10,20,000/- per annum from his agriculture land and he will be bound to repay the same out of his personal income. Ashok Kumar (accused No. 3) brother of Suhash Chaudhary (accused No. 2) was the chairman of Board of Directors of the complainant Bank and Suhash Chaudhary (accused No. 2) was the minister in State of Haryana and both were having influence and all the accused in furtherance of common intention with accused Tirlok Singh Patwari had forged the documents i.e. copies of Jamabandi and Girdawari, who was working as Halqa Patwari on date of issuing the forged Jamabandis and same is mentioned as accused no 5, though not by name in the complaint. The land shown to be purchased was Gairmumkin Chow (Uncultivable). But the accused Kusum Rani in collusion with accused Subhash Chand Ex-MLA submitted documents with her application i.e. copy of Jamabandi for the year 2002-2003 shown to be received on 1.6.2009 in which the land was shown as Chahi (Irrigated and Cultivable) and copy of Girdawari for the crop of 30.9.2008 and 22.2.2009 showing crop of Sugarcane. On the basis of above said documents, loan was sanctioned on 20.07.2009 by the bank and disbursed to Kusum Rani (accused no.1). Similarly, an another agreement was also executed between Ashok Kumar (accused No. 3) and petitioner/accused no. 4 as seller and purchaser on 25.8.2010 (Annexure P3) regarding land measuring 48 Kanal owned by Ashok Kumar (accused No. 3) in favour of petitioner (accused no. 4). The petitioner (accused no. 4) gave an application for getting loan of Rs.35 Lac for purchase of land from Ashok Kumar. Similarly the said loan was also got sanctioned by Ashok Kumar (accused No. 3) on 09-09-2010 and the amount of the loan was also paid to Ashok Kumar (accused No. 3). The loan given to Kusum Rani (accused No. 1) was to be repaid in 10 years and the loan given to petitioner was also to be repaid in 10 years. The accused no.1 and 4 after getting the loan amount from complainant bank, they did not pay single



penny/installment towards loan amount. The complainant bank served notices to the above named accused to repay the loan amount. On this, the accused persons concocted a story that the land which was purchased by them after getting loan had been ravaged in the flood and became uncultivable, therefore they could not repay the same and also said that they are not in a position to repay the same. Kusum Rani (accused no.1) to petitioner / accused no. 4 had knowledge since beginning that the land was uncultivable and no income can be derived from the said land. The project reports were also false and income shown the project report was not possible from the land which was alleged to be purchased. The copies of the Jamabandi submitted by the accused to the bank were not actual copies of the revenue record. In the revenue record, the land was shown as uncultivable, whereas in the copies of the revenue record which was submitted to the bank by the accused, it was shown as cultivable. The complainant got the copies of the Revenue record of the relevant time in which the land was shown as uncultivable, whereas in the copies produced by the accused to the bank are forged and fabricated and procured by the accused in collusion with Halka Patwari of that time namely Trilok Singh i.e. accused no.5 mentioned in the complaint. The accused person used the forged and fabricated documents knowingly that the said documents are forged and fabricated and mortgaged the land with the complainant bank only with the intention to cause wrongful loss to the complainant bank and wrongful gain to themselves. The accused had misused their powers. The above said accused in furtherance of their common intentions committed fraud.

4. Learned counsel for the petitioner is not in a position to dispute the facts aforementioned on the basis of any material or document, nor has any counter affidavit been filed.

5. In view thereof, it cannot be said that the offences alleged against the petitioner are not made out even *prima facie* on the face of the



allegations, nor is it a case of *mala fide* or vexatious prosecution.
Accordingly, finding no merit in the petition, it stands dismissed.

6. Pending miscellaneous application(s), if any, also stand(s)
disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

11.09.2025
Maninder

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