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

**CRM-M-19697-2025 (O&M)
Date of decision: 09.04.2025**

Sobraj Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. N.K. Verma, Advocate and
Mr. Ankush Verma, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

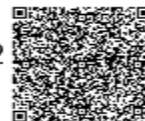
1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') [*erstwhile Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')*] seeking anticipatory bail in FIR No.322 dated 10.12.2021 under Sections 420, 465, 467, 468, 471 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Division No.8, Ludhiana.

2. Briefly, the facts of the case are that FIR (*supra*) was registered on the basis of an application submitted by Sukhwinder Singh, on the allegations that he was working as RCU Manager in Yes Bank Ltd., Gobind



Nagar, Main Ferozepur Branch, Ludhiana. The petitioner described himself as Lieutenant Colonel of the military and after supplying the requisite documents to the bank, he took loan of Rs.8,23,054/- on 03.09.2018 and Rs.9,87,775/- on 19.01.2019. The petitioner paid 11 and 07 installments, respectively, of both the loan accounts and thereafter, stopped paying the installments. Even after asking of the bank officials several times, he did not pay the remaining installments. After making an inquiry, the bank officials came to know that the petitioner was retired from Army in the year 2014 and he cheated many people, aspirant to get job, regarding which the news was also published in the newspaper. As per the inquiry made by the bank itself, the passbook of State Bank of India submitted by the petitioner showing salary entries from 07.12.2017 to 15.01.2019 were found to be fake and even on the salary slips and salary certificates, he wrote his departments i.e. Intelligence Bureau and Research and Analysis Wing, which have no dealings with each other. The petitioner, by submitting fake documents, also availed loan from other banks. It is further alleged that due to non-payment of installments, loan accounts of the petitioner were declared as NPA on 09.12.2019. Thus, the petitioner defrauded the bank and caused loss of public money worth lakhs of rupees.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the present case. As per the case set up by the prosecution, the petitioner availed two loans from the complainant-



bank and after paying some installments, he was not able to pay the remaining installments. At the most, it is a civil dispute and the complainant-bank has already recovered its dues through Asset Reconstruction Company. Further, the petitioner was granted interim protection by learned Additional Sessions Judge, Ludhiana vide order dated 30.01.2025 and in compliance thereof, he has already joined the investigation and fully cooperated with the investigating agency. It is further contended that final report under Section 194 of BNSS (*erstwhile Section 173 of Cr.P.C.*) has already been presented before learned trial Court/Illaq Magistrate, as such, no question for his custodial interrogation arises.

4. Notice of motion.

5. Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent-State. He could not controvert the fact that final report under Section 194 of BNSS (*erstwhile Section 173 of Cr.P.C.*) has already been presented before learned trial Court and after grant of interim bail by learned Additional Sessions Judge, Ludhiana on 30.01.2025, he has already joined the investigation.

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner has already joined the investigation, in compliance of the order dated 30.01.2025 passed by learned Additional Sessions Judge, Ludhiana and final report under Section 194 of BNSS (*erstwhile Section 173 of Cr.P.C.*)



has already been presented before learned trial Court.

7. A two Judge Bench of the Hon'ble Supreme Court in ***Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51***, with respect to prevailing conditions of undertrial prisoner in India, has observed as under: -

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

8. Keeping in view the aforesaid facts and circumstances, present petition is allowed and the petitioner is directed to appear before learned trial Court within a period of two weeks and on his doing so, he will be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Illaqa Magistrate concerned.

09.04.2025
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No