2025:PHHC:037166

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM M-64367 of 2024
Date of Decision: 28.02.2025

Ramesh ...Petitioner

Versus

State of Haryana and another ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Bhuwan Vats, Advocate as Amicus Curiae for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 438 of the Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.218 dated 27.05.2024 registered under Sections 420, 467, 468, 471 and 120-B of IPC at Police Station Meham, District Rohtak.

2. The FIR in the present case was registered on the basis of a complaint moved by the Manager, State Bank of India, Azad Market Branch, Meham, who alleged that a fraud has been committed by certain persons in his branch. In fact, ten persons had availed the facility of personal bank loan by submitting forged and fabricated documents and by falsely projecting themselves to be the public

servants. Since, the accused had taken loan by forging and fabricating the documents in the bank, legal action may be taken against them.

3. The present petition was initially filed by Mr. Karam Singh, Advocate, who made a statement before this Court on 13.01.2025 that the petitioner was ready to deposit the loan amount with the respondent/complainant-bank. However, thereafter learned counsel stopped appearing before this Court and this Court had requested Mr. Bhuwan Vats, Advocate to assist the Court on behalf of the petitioner. Consequently, Mr. Bhuwan Vats, Advocate, has appeared on behalf of the petitioner and submitted that no specific allegation has been levelled against any of the accused and the complaint was made against ten different persons by leveling general allegations. In fact, the petitioner, who was a labourer, has been falsely involved in the present case and he himself is a victim of fraud, committed by the bank employees themselves. In fact, the bank employees had procured the ID's of different persons on a false pretext and, thereafter, by forging the documents, it was wrongly shown that the facility of loan was availed by the petitioner and other accused. Even otherwise, it was a civil dispute and the bank could have recovered the amount by filing a civil suit.

4. On the other hand, a detailed reply has been filed by State of Haryana and it has been stated that the petitioner had availed a loan amount of Rs. 15,00,000/- from the respondent/complainant bank on 23rd December 2022. In fact, this was a personal loan under

the scheme initiated by the bank for the government employees only. The petitioner had impersonated himself as a S.S. Master, i.e., the government employee and forged his identity card, pay slip and had duped the bank by availing the loan. Even, he had not deposited the loan amount, which was obtained by him from the bank on the basis of forged and fabricated documents. Learned State counsel has further submitted that the investigation was at the initial stage and the role of the other officials/any bank employee was yet to be ascertained. Still further, the custody of the petitioner was required to recover the loan amount also as it was a public money.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the petitioner had duly signed and submitted the various documents to the complainant bank, by projecting himself as S.S. Master, i.e., government employee and had illegally obtained the loan from the bank. Even, he had made a statement before this Court that he was willing to return the loan amount to the complainant-bank, but later on, no learned counsel appeared on his behalf. Still further, the petitioner had played a fraud and had obtained loan amount from the bank and had not returned the loan amount. Moreover, the custodial interrogation of the petitioner was required for the recovery of the stamps of Headmaster, Government Middle School, Barachpur (Kurukshetra) and also to know the involvement of other accused, who had helped him in

forging and fabricating the documents. Apart from that, the police is yet to know the names of the other bank officials, who might be involved with the present petitioner. Still further, this Court has to adopt a different approach in dealing with these economic offences where public money has been embezzled by an individual on the basis of the forged and fake documents.

7. Finding no merits, the present petition is ordered to be dismissed.

8. The above observations have been made only for the limited purpose of disposal of the bail application and shall not be construed as an expression of opinion on the merits of the case.

28.02.2025 **(N.S.SHEKHAWAT)**
amit rana **JUDGE**

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