

HIGH COURT OF PUNJAB & HARYANA**Bench: Justice Jasjit Singh Bedi****Date of Decision: January 10, 2024**

CRM-M-59144-2023

Sandeep Singh Bal.Petitioner.**Vs.****State of Punjab.Respondent.****Legislation:**

Section 319, 439 of the Criminal Procedure Code (Cr.PC)

Sections 420, 465, 467, 468, 471, and 120-B of the Indian Penal Code (IPC)

Subject: Bail application for the petitioner, Sandeep Singh Bal, who was charged under various sections of the Indian Penal Code (IPC) for alleged forgery and cheating of a bank in connection with a housing loan.**Headnotes :**

Criminal Bail – Regular Bail – Accused charged under Sections 420, 465, 467, 468, 471, and 120-B IPC – Allegation of forgery and cheating the Bank – Petitioner's claim of being a guarantor of the loan – Co-accused granted bail – Petitioner in custody since August 29, 2023 – None of the 23 prosecution witnesses examined – No significant evidence of the risk of absconding, tampering with evidence, or influencing witnesses – Bail granted. [Para 2-8]

Personal Liberty – Emphasis on granting bail as the norm, especially in economic offences, once investigation is complete, and the triple test is satisfied – Denial of bail should be the exception rather than the rule – Bail granted without commenting on the merits of the case. [Para 6]

Referred Cases: None.

Representing Advocates:

Mr. Amardeep Singh, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab, representing the State.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:-Mr. Amardeep Singh, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.0264 dated 06.10.2021 under Sections 420, 465, 467, 468, 471 and 120-B IPC registered at Police Station BDivision, Police Commissionerate, Amritsar.

2. The present FIR came to be registered at the instance of Rakesh Kumar, Branch Manager, Bank of India and read as under:-

“ Ref. No. BOI/EMN7511-94 Dated 28-03-2019 To the Commissioner of Police Amritsar Sub:- Application for registration of Criminal Case against Shri Jarnail Singh son of Shri Sajjan Singh and Shri Sandeep Singh son of Shri Jarnail Singh, Both Residents of Village Sattowal, Post Office Jamalpura, Tehsil Baba Bakala, District Amritsar under section 420,467,468,471 IPC, 120-B IPC and other relevant provisions of IPC for forging the documents of Salary Slips, cheating the Bank by availing the Housing Loan of Rs. 30,00,000/- for constructions of House measuring 8 Marlas 02 Sarsah'l, forming part of Khasra no. 637 (0-3), 10/24 (6-5), 9/21 (5-15), 15/2 (8-16), 10/2 (2-5), 9/22/2 (5-00, 15/9 (8-9), 14/18 (8-0), 19/1 (8-0), 24/22. (1-16), 25/2. (1-16) 25/2 min (210) 12/2 (4-11), 13/2 (5-16), 14/3 (5-16), 16 (8-0), 16 (8-0), 17 (8-0), 25/2 min (1-0), 10/25 (7-11), 10/26/1 (2 l). 26/2 (1-15), 14/S/1 (7-11), 5/2/1 (0-4), 6/1 (5-16), 15/1 (3-13), 27/20/1 (0-7), 14/24/2/1(0-3), 15/10/1 (1-3), 14/1 5/2 (4-7), 23/4/1 min, measuring 0-8 Marlas 02 Sarsahi out of 125 Kanals 06 Marlas being 74/22554h share, situated at Village Chajalwadi, Near Gurudwara Baba Jeevan Singh, Tangra, Tehsil Baba Bakala, District Amritsar and misappropriating the public money. Sir, The applicant submits as under:

1. That the applicant bank is body corporate constituted under the Banking Companies (Acquisition and Transfer of undertakings) Act, 1970 having its Head Office at Star House, BandraK uria Complex, Bandra (East), Mumbai and inter-alie a Branch Office at East Mohan Nagar, 100 feet Road, Amritsar. The applicant Shri Rakesh Kumar is the branch Manager of the applicant Bank. As such, he is authorized to sign, verify, institute and purchase the present application and otherwise also fully conversant with the facts of the present case.
2. That in the month of June, 2017, the aforesaid Shri Jarnail Singh and Shri Sandeep Singh approached and requested the Bank for advancement of the Housing Loan of Rs. 30,00,000/- for construction

of House over the aforesaid plot situated at Village Chajalwadi, Near Gurudwara Baba Jeevan Singh, Tangra, Tehsil Baba Bakala, District Amritsar. 3. That Shri Jarnail Singh son of Shri Sajjan Singh represented himself to be posted as ASI No. 3077 at Police Line, Amritsar and also produced his Computerised Salary Slips for the month March and April, 2017, May, 2017 showing the detail of his salary for the said months. 4. That the applicant bank has sanctioned the said Housing Loan of Rs. 30.00.000/- in due course of his banking business and also mortgaged the aforesaid Property by depositing the original title deeds and other relevant documents thereof. The said Shri Jarnail Singh son of Shri Sajjan Singh and Shri Sandeep Singh son of Shri Jarnail Singh have also executed the security documents in favour of the applicant bank vide which they have agreed to repay the loan amount along with interest and other banking charges. The lien of the Bank has also been recorded in the revenue record for Rs. 30,00,000/- in favour of the applicant Bank. 5. That the aforesaid persons have availed/used the aforesaid Housing Loan of Rs. 30,00,000/- for construction of the house but did not raise the construction at the site. Thus, the aforesaid persons have misused the amount of the loan duly received by them from the applicant Bank. 6. That the aforesaid persons have failed to repay the outstanding amount in the aforesaid account along with interest thereon and thus, the applicant bank has inspected the aforesaid mortgaged property of the borrower and came to know that the property mortgaged by the aforesaid persons have not been constructed at the site rather the same is still in the shape of open plot. The applicant bank has also send the salary slips to the office of Commissioner of Police, Amritsar for its verification and came to know that the aforesaid Shri Jarnail Singh has not drawn his salary for the said period of March to May 2017 as he has been retired from the service on 30.11.2012. 7. That the aforesaid Shri Jarnail Singh in connivance of each other have forged the documents of salary slips, cheated the Bank by availing the Housing Loan of Rs. 30,00,000/- for construction of the aforesaid property and hence they have committed the offence punishable under Section 420, 467, 468, 471 IPC, 120-B IPC and other relevant provisions of IPC and misappropriating the public money and thus, they are liable to be prosecuted under the law. 9. It is therefore, prayed that the matter may kindly be investigated through senior officer of the police and the criminal case under Sections 420, 467, 468, 471 IPC and other relevant provisions of IPC for forging the documents of title, valuation report and other documents, cheating

the Bank by availing the Housing loan of Rs.30,00,000/- for construction of the property by submitting the forged salary slips allegedly issued by the department and misappropriating the public money may kindly be ordered to be registered against the accused persons Applicant Bank of India East Mohan Nagar Branch 100 feet Road Amritsar through Sh. Rakesh Kumar Branch Manager”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He was only a guarantor of the loan availed by his father Jarnail Singh. In fact it was one Manjit Singh who had procured the loan for the father of the petitioner and had furnished forged documents. A co-accused Simarjit Singh @ Simar Jit Singh Dhadha had been granted the concession of bail by this court vide order dated 09.08.2022 (Annexure P-6). As the petitioner was in custody since 29.08.2023, none of the 23 prosecution witnesses have been examined so far and in one other case bearing FIR No.214 dated 03.11.2017 in which he had been summoned under Section 319 Cr.PC he was entitled to the concession of bail..
4. The Counsel for the State on the other hand contends that the father of the petitioner had obtained a loan using forged documents. The petitioner was a guarantor to the said loan. Therefore, the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He however, concedes that the petitioner was in custody since 29.08.2023, none of the 23 prosecution witnesses had been examined so far and that one of the co-accused Simarjit Singh @ Simar Jit Singh Dhadha had been granted the concession of bail by this court vide order dated 09.08.2022 (Annexure P-6).
5. I have heard the learned counsel for the parties.
6. This Court in the case titled as **Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab** bearing **CRM-M-24033-2021(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.”
7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the trial. Admittedly, the petitioner is stated to be in custody since 29.08.2023 and none of the 23

prosecution witnesses have been examined so far. Nothing significant has been pointed out by the State that the petitioner would abscond from the Trial, tamper with the evidence or influence the witnesses if he is granted the concession of regular bail. Therefore, his further incarceration is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Sandeep Singh Bal** son of Sh. Jarnail Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
9. 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 crime other than the cases mentioned in this order.
- 4 The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- 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 the trial without sufficient cause.
10. The petition stands disposed of.

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