

FIR No.10 dated 19.01.2019
Under Sections 420, 465, 467, 468, 472, 120-B IPC
P.S. Kiratpur Sahib

Present: Sh.Bikram Singh Thakur, Advocate for applicant/accused
Rakesh Kumar Khanna.
Sh.Vijay Kumar, learned APP for the State.

Reply to bail application filed by learned APP for State. Copy
supplied.

2. Heard on bail application filed on behalf of applicant/accused. It has been averred in the application that the applicant/accused has been falsely implicated in the present case and that he is already in judicial custody. It is further averred that police officials did not call the applicant/accused during investigation and even, no complaint made by the bank authority against the applicant/accused pertaining to present FIR and that applicant/accused sanctioned the loan to the customer after fulfilling all the documentary formalities as per the norms of the bank and the loan case was prepared by the concerned loan officer of the bank and applicant/accused only sanctioned the loan case file being Assistant General Manager of the bank. It is further submitted that the loan case is equitable mortgage and there is no requirement for the registration of the same before the Sub Registrar for any kind of entry in the revenue record and the loan in question was with regard to school building and other equipments. Further that applicant/accused has no concern with the facts mentioned in the FIR; that applicant/accused has no concern with the offences mentioned in the FIR, he is an innocent person and that no fruitful purpose will be solved by keeping him behind the bars and further that

applicant/accused undertakes not to tamper with the prosecution evidence and will appear on each and every date of hearing and will not leave India without prior permission of the Court. It has been accordingly prayed that the present application may kindly be allowed.

3. Said bail application was contested by Learned APP for the State by filing reply to the same as filed today, submitting preliminary submissions that instant FIR was lodged at the instance of complaint moved by complainants namely Balwinder Singh, Paramjit Kaur, Balwinder Kaur and Balpreet Kaur, wherein it was alleged by them that in the year 2011, grandfather of complainants had donated some land to Generation Next Gurukul Society, Kiratpur Sahib, for running school and college and as per the agreement, after every 10 years, the agreement was to be extended after taking into account the performance of the society and heir of their grandfather have been made life members in the society and it was further mentioned in the agreement that accused cannot make any change beyond the agreement. It was further alleged by the complainants that on 07.04.2014, accused namely Baljit Singh, Gurpreet Singh, Rajwinder Kaur and applicant/accused Kuldeep Singh Dhaliwal got executed another agreement and the complainant-party was made member in the society. It was further alleged by the complainants that the collector rate of the land in question was about Rs.50,00,000/-, however, they came to know that accused mentioned above took Rs.3,00,000,00/- loan from Central Bank of India, Sector-10, Panchkula, on the above mentioned land and building of the school and when

accused confronted about the same, then accused admitted their fault and agreed to return the amount of the bank but they did not return the loan amount mentioned above and the total amount outstanding towards the society came to be Rs.5,00,000,00/- and the bank had sealed the building of the school and accordingly, complainants requested to take action against the accused persons in accordance with law. It is further submitted that thorough inquiry into the complaint moved by the complainants was carried out by Incharge, Economic Offenses Wing, Rupnagar, and during inquiry, it was revealed that accused in connivance with Branch Manager, Ravinder Kumar Khanna, forged certain documents; that in order to show the value of the land in excess and also forged the signatures of the complainants and took loan of Rs.3,79,87,247/- from Central Bank of India, branch Panchkula. It was further transpired during inquiry that the bank has also inquired the matter and found that the loan was wrongly sanctioned on forged and fabricated documents by the branch manager Ravinder Kumar Khanna in connivance with the accused, accordingly, the inquiry officer, recommended to lodge FIR against applicant/accused and his co-accused and accordingly, the instant FIR was lodged against the applicant/accused and others. It is further submitted that applicant/accused was arrested in this case on 03.07.2023 and that co-accused took loan of more than Rs.3 crores in connivance with applicant/accused on the land which was donated to Generation Next Gurukul Society, (trust) by forging documents and signatures of the complainants and used the amount of loan for their personal use and the bank has attached the property of the trust as the

same was pledged with the bank and accused persons failed to return even a single installment of loan and hence, applicant/accused is not entitled for any relief and there is every likelihood that applicant/accused would run from the justice. **On merits**, while denying the other contents of the bail application, a prayer has been made to dismiss the same.

4. I have heard learned counsel for the applicant/accused, learned APP for the State and have also gone through the file carefully.

5. Perusal of remand papers shows that the applicant/accused along with other co-accused has been booked in the present case on the basis of complaint moved by complainants for the commission of offences under Sections 420, 465, 467, 468, 471 and 120-B IPC on the ground that they have obtained huge loan amount from the bank by forging the signatures of complainants as well as by forging certain documents. Instant FIR has been lodged against the applicant/accused and others after thorough inquiry. Allegations against the applicant/accused are serious in nature and huge amount is involved. Therefore, keeping in view the seriousness of the allegations against the applicant/accused in the present case and amount involved, the Court is of the view that the applicant/accused is not entitled for concession of bail and the present bail application is hereby **dismissed** accordingly. Papers be attached with the FIR/remand papers/challan.

Pronounced in Open Court:

Dated: 13.07.2023

Jaswinder Singh, STG Grade-1

(Garima Gupta),
Judicial Magistrate Ist Class,
Sri Anandpur Sahib, UID-PB0535