CNR PBBT01-005585-2024.
CIS BA-1715-2024.

Tarun Kumar versus State of Punjab

Present: Sh.Dewan Chand Garg,learned Advocate for applicant.
Sh.Daljit Sharma, learned Additional Public Prosecutor for the State.

1) This order of mine shall dispose of bail application u/s 438 Cr.P.C.filed by the applicant in the FIR No.154 dated 12.07.2018 under Section 120-B, 419, 420, 465, 467, 468, 471, 199, 200 of Indian Penal Code, Police Station Civil Lines, Bathinda.

2) Notice of the bail application was given to the State and Sh.Daljit Sharma, learned Additional Public Prosecutor has appeared in the court to contest the same. Trial court record requisitioned, which is seen.

3) Shri Dewan Chand Garg, learned counsel for the applicant has submitted that FIR was registered on the basis of application moved by Rakhi Gupta. The applicant/ accused was creduit Manager of Punjab National Bank at the time of loan for M/s KG Export and all the documents were duly submitted and executed by the loanee and Rakhi Gupta personally to Mr.Santosh Kumar, Chief Manager. He did not sign any guarantee documents related to this loan nor did he fill out any loan documents. The complainant moved an application u/s 319 Cr.P.C.before the learned trial court, which has been allowed an applicant/ accused has been ordered to be summoned to face trial alongwith other accused. Main accused have already been granted the concession of bail. Custodial interrogation of the applicant/ accused is not required. With these submissions, he has prayed for acceptance of the bail application.

4) Per contra, Shri Daljit Sharma, learned Additional Public Prosecutor for the State has opposed the bail application alleging that the applicant is involved in a serious offence, so she does not deserve to be granted the concession of anticipatory bail.

5) I have heard rival contentions of both the sides and perused the record.

6) Perusal of the file reveals that the FIR was registered on the basis of application of moved by complainant Rakhi Gupta before the police alleging that Rajendera Gupta, her brother in law (Jija) and Bhagwan Das Garg, brother-in-law of said Rajendra Gupta had committed forgery and fraud against her in connivance with bank officials of Punjab National Bank, Kikkar Bazar, Bathinda, by mortgaging her residential house No. 6318, Mata Rani Gali, Bathinda alongwith two shops, by forging her signatures on the forged deed of guarantee and got sanctioned cash credit limit of Rs. 12.50 crore in favour of M/S K.G Exports owned by said Rajendra Kumar Gupta. She never stood as guarantor for the cash credit limit of M/s KG Exports. Earlier she stood guarantor for the cash credit limit granted to firm namely Ashwit Cement Company owned by said Bhagwan Das Garg, with the Punjab National Bank, Kikkar Bazar, Bathinda. But in the year 2015, accounts of cash credit limit of firm Ashwit Cement Company was stated to be settled by the bank officials of PNB Kikkar Bazar, Bathinda. In the month of January 2015, she was called by bank officials in the bank in order to return her documents of guarantee in cash credit limit of Ashwit Cement Company. But documents were not returned to her. Bhagwan Das Garg

assured her that her documents would be returned. She trusted Bhawan Das Garg as he was son in law of her brother-in-law (Jija) Rajendra Gupta.

7) It is further version of complainant that in the month of August 2016, complainant received a recovery notice of Rs. 12.50 crore from Punjab National Bank, Bathinda, and thus she came to know that her said properties were mortgaged for the cash credit limit of Rs.12.50 Crore granted to M/S KG Exports without her knowledge and consent. She filed RTI and obtained the documents of guarantee of the cash credit limit of M/S K.G. Exports, from the bank officials. She found that her signature were forged and her properties were fraudulently mortgaged without her knowledge and consent. Accused Rajendra Gupta proprietors of M/S K.G Exports had already used 8 to 9 crore in the cash credit limit in which her properties were fraudulently mortgaged. Her signatures were forged by Tanisha. The entire fraud and forgery was committed with the involvement of the bank officials. She lodged complaint before SSP, Bathinda, for taking action against Rajendera Gupta, Bhagwan Dass and bank officials.

8) After completion of investigation, challan has been presented against Bhagwan Dass. During pendency of trial, the prosecution had moved an application under section 319 Cr.P.c.for summoning applicant and some other persons as additional accused to face trial alongwith accused Bhagwan Dass and on the basis of said application, applicant has been summoned to face trial as an additional accused. The allegations levelled against the applicant/ accused yet to be proved during the trial. Offences are triable by the Judicial Magistrate. Custodial interrogation of the applicant/ accused is

not required. The conclusion of trial is likely to take a long time, so no useful purpose will be served by sending the accused/ applicant behind bars.

9) Hence, keeping in view the facts and circumstances of the case, I find that accused can be extended the benefit of pre-arrest bail. As such, he is directed to appear before the learned trial court / Duty Magistrate on or befroe the date fixed and on his doing so, he shall be admitted to bail subject to his furnishing bail bonds to the satisfaction of learned trial court/ Duty Magistrat within 10 days. If the applicant does not comply with this order, the same shall stand vacated. Trial court record alongwith copy of this order be returned. File be consigned to the record room.

Pronounced in the Open Court:<br>
Dt.13.05.2024.

(Dinesh Kumar Wadhwa),<br>
Additional Sessions Judge,<br>
Bathinda (UID:PB-0445).

Kulwinder Singh,<br>
Stenographer(Grade-II).

I attest to the accuracy and authenticity of this document.<br>
Digitally signed by KULWINDER SINGH<br>
DN: cn=KULWINDER SINGH, ou=BATHINDA COURT, o=DISTRICT AND SESSIONS COURT BATHINDA, st=PUNJAB, c=IN<br>
Date: 2024.05.14 17:14:11 +0800