State Vs. Jagwant Singh

Present:
Sh.KS Sidhu Advocate, counsel for the accused/ applicant
Sh. Anshuman Syal, Additional PP for the State

ORDER

Heard on the application for bail under Section 439 of CrPC, moved by the accused/ applicant, namely Jagwant Singh @ Jagwant Singh Deol, in the case bearing FIR No. 25 dated 27.02.2024, under Section 420, 465, 467, 468, 471, 506 and 120-B of IPC, PS Badhni Kalan, District Moga.

2. Notice of the application was served upon the State and record of the police was requisitioned.

3. In brief, the facts as emanate from the First Information Report are as under:-

Complainant Harbhagwan Singh son of Mohinder Singh, resident of Lopon, Badhni Kalan, Moga had mortgaged his land measuring 88 kanal 6 marla, falling under the khasra No. 93//3/2 (2-12), 6 (7-8), 7 (8-0), 12/2 (0-7), 13 (7-14), 14 (8-0), 15 (7-0), 16 (7-8), 17 (8-0), 18(8-0), 22/5 (5-1), 23 (8-0), 94//1/2 (6-7) and 2/1 (4-9), vide a registered mortgage deed bearing Wasika No. 352 dated 05.08.2013 and had availed loan and limit of Rs. 45 lakh from State Bank of India, branch Jagraon and his loan account number was 65173956055 and limit account number was 65173945102 and rapat No. 447 dated 07.08.2013 was entered in the revenue record in this regard. Accused Harbant Singh son of Nirmal Singh approached the complainant Harbhagwan Singh at his residence and stated that he had come from Head Office of the State Bank of India and he could arrange settlement of his loan and limit accounts for an amount of Rs. 20 lakh in lump sum. Finding that an amount of Rs. 60 lakh, including principal and interest, was due and payable by him, complainant Harbhagwan Singh agreed to the settlement and closure of the loan and limit accounts for an amount of Rs. 20 lakh as offered by accused Harbant Singh. Thereby, complainant Harbhagwan Singh issued a cheque for an amount of Rs. 4 lakh bearing No. 769907 of OBC, Branch Lopon from his account No. 00722010009590 on 18.03.2020 to accused Harbant Singh and on 26.06.2020, transferred another amount of Rs. 6,40,000/- from his account number mentioned above through RTGS vide a reference No.20178015558 to an account bearing No. 1911239726090851, as provided by accused Harbant Singh. The cheque dated 18.03.2020, which was issued by complainant Harbhagwan Singh, was got encashed in the name of Sukhdarshan Singh and the account No. 1911239726090851, wherein the amount was transferred through RTGS was in the name of Bhola Singh, resident of Bhotna, District Barnala and the said amount was transferred at the instruction of the accused Harbant Singh. Then, at the instruction of accused Harbant Singh, complainant Harbhagwan Singh handed over an amount of Rs. 9,60,000/- by way of cash on 29.06.2020 to Jagwant Singh son of Nirmal Singh and Nirmal Singh son of Surjit Singh, who handed over the clearance certificate/ NOC issued by State Bank of India, branch Jagraon. Thereafter, on 20.11.2020, three officials visited the house of complainant Harbhagwan Singh and they informed him that his loan and limit accounts were not settled and when he produced the clearance certificate/ NOC handed over to him, the same was found to be a forged and fabricated document. Complainant Harbhagwan Singh was further informed that his land was not redeemed from mortgage and they offered for settlement for an amount of Rs. 17,50,000/- in lump sum, as the amount due and payable was calculated to the tune of Rs. 70 lakh, including principal and interest. Complainant Harbhagwan Singh sought time and deposited the settlement amount of Rs. 17,50,000/- on 16.12.2020 and got clearance certificate from the State Bank of India, branch Jagraon. When he inquired into the matter thoroughly and established contact with accused Harbant Singh and others, they verbally agreed to return the amount received, but with the lapse of time, they flatly refused to make any return of the payment to the complainant Harbhagwan Singh, rather started threatening him. In this way, complainant Harbhagwan Singh was defrauded for an amount of Rs. 20 lakh by the accused Harbant Singh in connivance and conspiracy with his co accused persons, namely Jagwant Singh, Nirmal Singh and Bhola Singh.

4. I have heard the arguments addressed by both the parties.

5. Counsel for the accused/ applicant argued that the accused/ applicant is innocent and he has been falsely implicated in this case and that he has not committed any offence, as alleged in the FIR. He further argued that the accused/ applicant never received any amount, as alleged. Thereby, he prayed for allowing the instant application.

6. On the other hand, Additional PP for the State prayed for dismissal of the application.

7. I have considered the submissions from both the sides and have gone through the material on record.

8. The overt act attributed to accused Jagwant Singh is that he and his co-accused persons, namely Nirmal Singh, Harbant Singh and Bhola Singh, in furtherance of their connivance and conspiracy with each other, defrauded the complainant Harbhagwan Singh and dishonestly received an amount of Rs. 20 lakh from him on the false pretext of arranging settlement/ closure of his loan and limit accounts with State Bank of India, branch Jagraon, whereas, in fact, the clearance certificate handed over by them to the complainant Harbhagwan Singh was a forged and fabricated document and neither they ensured clearance/ closure of the loan and limit accounts nor returned the amount of Rs. 20 lakh to the complainant. Thus, the allegations are serious in nature.

9. As such, considering the facts of the case, gravity of the offence and serious nature of the accusation, there is all likelihood of applicant/ accused fleeing justice. Thus, it is not a fit case for exercising discretion for grant of concession of bail.

9A. Then, the matter is at the initial stage and there is reasonable apprehension that the accused/ applicant may misuse the grant of concession of bail and may endeavour to influence, induce, threat or promise, directly or indirectly, to any person acquainted with the facts of the case, so as to dissuade him from disclosing real facts to the Court and thereby, may interfere in the fair process of the Court of law.

10. Thereby, no reasonable ground is believed to have been made out for grant of concession of bail to the accused/ applicant and application for bail moved on his behalf is dismissed.

11. Needless to mention that anything discussed herein above shall have no bearing, whatsoever, upon the merits of the case and the observations recorded herein above, if any, are solely for the purpose of disposal of the application in hand.

12. Record be returned and and record of this bail application be consigned to the record room.

Pronounced in open court
Dated 15.07.2024

(Sanjeev Kundi)
Additional Sessions Judge,
Moga
UID No. PB-0246

Sanjeev Kumar, Stenographer