

**IN THE COURT OF JAGMOHAN SINGH SANGHE  
ADDITIONAL SESSIONS JUDGE, FAZILKA.  
(UID NO.PB0447)**

**Case Details**

|               |                          |                          |
|---------------|--------------------------|--------------------------|
| Case Type     | BA                       |                          |
| Filing No.    | 2791/2022                | Filing Date : 19.07.2022 |
| Regn. No.     | BA/1473/2022             | Date of Regn. 20.07.2022 |
| CNR No.       | <b>PBFZC0-0033972022</b> |                          |
| Date of order | <b>04.08.2022.</b>       |                          |

1) Krishan Kumar retired field officer, aged 68 years son of Arjan Dass resident of B-4/62, Street No.10, Nayi Abadi, Abohar;

2) V.K.Pabbi @ Vipen Kumar Pabbi retired manager, aged 71 years son of Madan Mohan Pabbi resident of street No.17, Jawala Mandir and Park, Ajit Road, Bathinda.

**...Applicants.**

Versus

State of Punjab.

**...Respondent.**

**FIR No.205 dated 2022.**

**U/s 406, 409, 420, 467, 468, 471, 474, 120-B of IPC.  
P.S. City-1 Abohar.**

**First Bail application Under Section 438 (1) Cr.PC.**

Present: Shri S.K.Kamboj, Adv., counsel for applicants.  
Shri Gurbaj Singh, Additional PP for the State.

**ORDER:**

1. By this order, this Court intends to deal with the present bail application under Section 438 Cr.PC having been filed by applicants Krishan Kumar and V.K.Pabbi @ Vipen Kumar Pabbi.

2. This FIR has been registered on the basis of directions of learned Ilqa Judicial Magistrate to the concerned police station under Section 156(3) Cr.PC on the basis of complaint moved by State Bank of India through its Chief Manager Gaurav Aggarwal with the allegations that non-applicant Nanak Chand had obtained a loan from the bank by mortgaging his property measuring 227 kanal 15 marla, out of which land measuring 211 kanal 8 marla was comprised in khewat No.289 khatoni No.443, land measuring 16 kanal 7 marla was comprised in khewat No.947 khatoni No.1279 a sper jamabandi for the year 2003-2004 by claiming himself to be owner of that land regarding which a mortgage deed between Nanak Chand borrower and bank bearing wasika no.2470 dated 22.08.2008 was executed and registered. It is the allegations of complainant bank that when borrower Nanak Chand failed to repay the loan and the loan account was declared NPA, on verification it was found that above said property mortgaged by

Nanak Chand claiming himself to be owner was not owned and possessed by him, rather the said property was owned by Davinder Singh son of Sardool Singh and Nishan Singh son of Sardool Singh for ½ share each. It is the allegations of complainant bank that despite complaint having been moved to the concerned police station, no FIR was registered. As such, the application under Section 156(3) Cr.PC was filed before learned Ilaqa Magistrate, who while considering the said application, ordered the registration of FIR against four of the accused mentioned in the application-complaint of State Bank of India bank and against three additional accused namely applicant Krishan Kumar field officer, applicant V.K.Pabbi @ Vipen Kumar Pabbi manager of the relevant time and non-applicant N.K.Talwar branch manager, which has resulted into registration of the present FIR for commission of offence under Sections 406, 409, 420, 467, 468, 471 and 474 IPC.

3. Notice of the bail application was served upon the State through learned Additional PP alongwith copy of bail application, who received the same, appeared and contested the bail application on merits. Police record was requisitioned which has been received and

perused.

4. I have heard the respective contentions of both the learned Advocates and have perused the record with their able assistance.

5. Learned counsel for the applicants has requested for grant of bail to the applicants primarily on the ground that name of any of the applicant was not mentioned in the original complaint moved by the complainant State Bank of India and that learned Judicial Magistrate has exceeded jurisdiction by ordering the registration of FIR against the present applicants, who had no role to play in the disbursement of loan in question.

6. This Court has carefully considered such contention of learned counsel for the applicants, more specifically in view of the seriousness of the allegations. The applicants are none else, than the manager and branch manager of State Bank of India at the relevant time, which capacity has also not been disputed by the applicants either in their application for bail or during the course of arguments. So far as the contention of learned counsel for the applicant that trial court has exceeded its jurisdiction by adding the name of the applicants, the said argument touches the merits of the order of learned Judicial Magistrate

without creating any valid ground in favour of the applicants, who undisputedly remained associated with the bank at the relevant time. Investigation of the case is at initial stage and custodial interrogation of the applicants for the purpose of investigating their role in misappropriation of huge public money seems necessary. As such no special ground is made out in their favour for grant of bail under Section 438 Cr.PC. Hence, this application for bail moved by the applicants stands dismissed being without merits. Police record be returned and bail application file be consigned to record room.

**Pronounced in open Court.  
Dated: 04.08.2022**

**(Jagmohan Singh Sanghe),  
Additional Sessions Judge,  
Fazilka : UID no.PB0447**

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