

**THE COURT OF SHRI PARMINDER SINGH RAI, ADDITIONAL
SESSIONS JUDGE, TARN TARAN**

CIS No : BA/1574/20.
Date of Institution : 11.07.2020.
Date of Decision : 11.08.2020.

Anil Kumar Ahluwalia son of Gopal Singh, resident of 459, Vikas Puri,
New Delhi.

-----Applicant/accused.

Versus.

State of Punjab

-----Respondent.

FIR No. : 204 dated 05.07.2020.
Under Section : 420,120B IPC.
Police Station : City Tarn Taran.

Application under Section 438 Cr.P.C..

Present: Sh. R.R.Arora, Advocate, counsel for applicant.
Sh. Gurpreet Singh Rana, APP for State.

Order

Today ASI Satnam Singh from P.S. City Tarn Taran has come present and vide separate statement has stated that accused has joined the investigation as per direction of the court on 24.07.2020 but has not cooperated and not provided documents regarding enhancement of immediate loan amount regarding Khasra No.63/18 and he is required for custodial interrogation.

Learned counsel for the accused has contended that accused has joined the investigation. The documents pertaining to Khasra No.63/18 are not in his possession. The loan has been old one. The enhancement of the loan were done by the branch in the year 2012-13-14-15-16 and they have no connection with the recovery department and enhancement of the loan.

On the other hand learned APP for the State has vehemently argued that accused has been in the direct knowledge of enhancement of the loan and that too upon the mortgage piece of land falling in Khasra No.63/18 as well and limit was even enhanced to Dashmesh Rice Mill from 4 crore to 5.5 crore as well and he also vehemently argued while opposing the bail application of the accused that he has not cooperated in the investigation and even did not state as to where those documents pertaining to Khasra No.63/18 and enhancement if the same are not in his possession as he utterly refused to disclose and cooperate in this regard and put the entire blame upon his co-accused.

Vide order dated 20.07.2020 the bail application of co-accused namely Brijesh Kumar and Vipin Aggrawal for grant of anticipatory bail was dismissed and applicant being head of MSME was directed to join the investigation, however, subject to the condition that he will cooperate with the investigation and that too as and when called by the IO and that he will not tamper with the prosecution evidence. While passing of order dated 20.07.2020, this court even observed that apparently there has been some hanky panky in between the bank officials at that time of granting loan to Dashmesh rice Mill on wrong piece of land as collateral. Now said piece of land pertains to Khasra No.63/18 which had been mortgaged and which is allegedly put to auction as well whereas as per the allegations the said land had not been in the ownership of the bank whereas these documents while grant of loan were forged and on those forged documents loan was advanced. So it is not that the applicant is stranger. He was at that time head of MSME. The enhancement of limit

has even been admitted by the counsel for the accused as well. Now that enhancement apparently has been upon certain pieces of land which included the land falling in Khasra No.63/18 as well. The accused was directed to join the investigation subject to certain condition and cooperation in the investigation. The documents thus pertaining to Khasra No.63/18 would be relevant. Even the police record shows that accused admits him to be head of MSME Loan Incharge and he having been posted there in 2015 as well. So simply feigning ignorance about the documents thus tantamount to non-cooperation with the investigation and this court is of the considered opinion that accused though initially granted the interim bail, however, which was subject to he cooperate with the investigation and he having not complied with the direction of the court in this regard then certainly his custodial interrogation would be certainly required. As such present bail application of accused stands dismissed.

Pronounced
11.08.2020
Jaswinder Singh
Stenographer-III

Parminder Singh Rai
Additional Sessions Judge
Tarn Taran/UID-PB0175