

**In the Court of Sh.Harbans Singh Lekhi,
Additional Sessions Judge, Faridkot.
(Unique Identification No.PB0113)**

Case Type	BA
Case No.	109 of 8.2.2021
Registration/CIS No.	148/2021
CNR No.	PBFD01-000483-2021
Date of Order	12.2.2021

Jaswinder Singh, aged about 56 years, Secretary, Cooperative Society Wara Draka, son of Surjit Singh, resident of Wander Patti, village Wander Jatana, Tehsil Kotkapura, District Faridkot.

.....Accused/applicant

Versus

State of Punjab

F.I.R.No.11 dated 23.1.2021
Offence under Sections 420,465,467,468,471,409,120-B IPC
Police Station Sadar Kotkapura

Application under Section 438 Cr.P.C.

Present:- Sh.U.S.Sharma, Advocate, counsel for applicant-accused.
Sh. Amit Goklaney, Additional Public Prosecutor for the State.

ORDER

This order shall dispose of bail application under Section 438 Cr.P.C., filed by accused-applicant Jaswinder Singh, in case FIR No.11 dated 23.1.2021, under Sections 420,465,467,468,471,409,120-B IPC, Police Station Sadar Kotkapura.

2. Notice of the bail application was issued to the State and

learned Additional Public Prosecutor for the State appeared and contested the same. Police record was summoned and received.

3. I have heard Sh.Narinder Kumar, Advocate, learned counsel for accused-applicant and Sh.Amit Goklaney, learned Additional Public Prosecutor, and have carefully gone through the record of case.

4. Learned counsel for applicant-accused has argued that accused-applicant is quite innocent and has been falsely implicated in this case. Complainant and his wife were members of the Society and they used to purchase fertilizers and house hold items on credit basis, from the Society. Whenever, Society demands payment of purchased items, they used to issue cheque in discharge of their legal debt in favour of the Society and amount has been transferred in favour of the Society. Accused-applicant is not the beneficiary/gainer of the alleged amount nor has withdrawn any amount for his personal benefit. Some Bank employees in connivance with complainant, threatened the accused-applicant that if he will not sign some blank papers, he will be terminated from his service and due to threat, he signed some blank papers as well as register of Notary Public. From the bare perusal of FIR, no offence under Section 409 IPC is made out against accused-applicant, rather offence under Section 408 IPC is made out, because Society is not Government Department and same is semi Government. Accused-applicant belongs to Schedule Caste Community. He argued that co-accused has been granted ad interim bail by the Hon'ble High Court. Accused-applicant is not required for custodial interrogation, but still he is ready to join

investigation and prayed that accused-applicant be granted pre-arrest bail.

5. On the other hand, learned Additional Public Prosecutor for State has opposed the bail application and contended that FIR has been registered against accused-applicant and another, on true facts, after conducting thorough enquiry. He further argued that allegations against accused-applicant are serious in nature and his custodial interrogation is required, so, he is not entitled for concession of pre-arrest bail and prayed that application be dismissed.

6. I have given my thoughtful consideration to the rival contentions of learned counsel for applicant-accused and learned Additional Public Prosecutor for the State.

7. Perusal of record reveals that complainant Baltej Singh moved an application before SSP, Faridkot, against Jaswinder Singh and Bank Manager and entire staff of Co-operative Bank, Kotkapura, on the allegations that he and his wife are maintaining accounts bearing No.031200103100357 and No.031200103100253, in Co-operative Bank, Branch Wara Daraka. Accused Jaswinder Singh in connivance with the employees of above said Bank, got issued cheque books on their account and after forging their signatures, withdrawn the amount from their accounts and they were not aware about the same. When they came to know about withdrawal of amount from their accounts, accused admitted his guilt and assured to return their money and also gave one affidavit admitting his guilt. Above said accused have also cheated many other persons. So, enquiry be got conducted and action be taken against accused

persons and their amount be got returned from them. Said application was marked to DSP(D), Faridkot, for enquiry. In the enquiry it was found that accused Jaswinder Singh, Secretary, Co-operative Society and Baljinder Singh, Branch Manager, Central Co-operative Bank Limited, Branch Kotkapura, in connivance with each other, have got issued cheque books on the accounts of complainant party, without their consent and withdrawn the total amount of Rs.2,53,000/-, from their accounts, by forging their signatures. Thus, on the basis of said enquiry, FIR was registered against accused Jaswinder Singh and Baljinder Singh, for offence under Sections 420,465,467,468,471,409,120-B IPC.

8. There are specific allegations against accused-applicant that he, by hatching a conspiracy with co-accused, got issued cheque books on the accounts of complainant party, without their consent and withdrawn the total amount of Rs.2,53,000/-, from their accounts, by forging their signatures. Therefore, keeping in view the facts and circumstances of the case, custodial interrogation of accused-applicant is eminently required and if accused-applicant is granted pre-arrest bail, it will certainly hamper the police investigation. So, I do not consider it a fit case for grant of pre-arrest bail to accused-applicant. Accordingly, bail application stands dismissed. However, any observation given above, shall have no bearing on the merits of the case. Police record be returned. File be consigned to record room.

Pronounced.

Dated:- 12.2.2021

(Harbans Singh Lekhi)
Additional Sessions Judge,
Faridkot.
(Unique Identification No.PB0113)

Present:- Sh.U.S.Sharma, Advocate, counsel for applicant-accused.
Sh. Amit Goklaney, Additional Public Prosecutor for the
State.

Police record received. Arguments heard. Vide my separate
detailed order of even date, bail application filed by the applicant-accused,
has been dismissed, as detailed therein. Bail application file be consigned
to the record room.

Pronounced.

Dated:- 12.2.2021

Sonia Devi

(Harbans Singh Lekhi)
Additional Sessions Judge,
Faridkot.
(Unique Identification No.PB0113)