

**IN THE COURT OF SH.AVTAR SINGH, ADDITIONAL
SESSIONS JUDGE, S.A.S. NAGAR, (MOHALI). (UID
NO.PB00086)**

B.A. CIS No.BA-02/2023.
CNR No. PBSA01-000010-2023.
Decided on.17.01.2022

Dilbagh Singh aged about 47 years, son of Harbhajan Singh, resident of Gali no. 9, Stadium Road, Mohalla, Udham Singh Nagar, Phagwara, District Kapurthala, Punjab-144401 (as per remand papers resident of Sahid Udham Singh Nagar, Near Akal Academy, Phagwara, Police Station Satnampura, District Kapurthala, Punjab.).

.....Accused/applicant.

Versus.

State of Punjab

....Respondent.

FIR no. 135 dated 22.03.2022
u/Sections: 420, 465, 467, 468, 471, 482, 120-B of IPC
P.S. Sohana, District S.A.S. Nagar, (Mohali)

Bail application under Section 439 Cr.P.C.

Present: Sh. Vishal Kaushal, Adv, counsel for applicant.
Sh. R.S. Jauhal, Additional P.P for State.

ORDER:-

1. This order of mine shall dispose of bail application filed by accused/applicant seeking regular bail in terms of Section 439 Cr.P.C. arising out of above said FIR.

As per report of concerned Ahlmad, nothing is pending/decided against applicant in the present FIR in Hon'ble Punjab and Haryana High Court, Chandigarh.

2. Notice of bail application was issued to the State and learned Addl. PP for the State has put in appearance. Trial court record requisitioned and received.

3. I have heard the learned Counsel for accused/applicant, learned Addl. PP for the State and also perused the record.

4. The brief facts of the prosecution story in nutshell are that the present FIR was recorded on the statement of Kulbir Singh Gaba on the the allegations that Sanjiv Kumar alongwith Amit, Rahul, Dilbagh Singh employees of the Central Cooperative Bank Ltd. Moga prepared fabricated the general power of attorney of the property of Hindustan Steel Works & Constructions Limited (HSCL) P-34-A, Garhiat Road (South) Kolkata on which Sanjeev Kumar mentioned his name and put the stamp of the company. Sanjeev Kumar alongwith Amit Kumar, Rahul, Dilbagh Singh entered into an agreement with complainant and got three cheques of ₹1 crore and one forged fake account was opened at Moga. All the accused Sanjeev Kumar, Rahul, Dilbagh Singh cheated the complainant to the tune of ₹1 crore.

During the course of investigation, Sanjeev Kumar disclosed that he alongwith his companion has withdrawn the amount of ₹2 lacs from the account of Kulbir Singh Gaba from Central Cooperative Bank Ltd., Moga which was given to Gurpreet Singh son of Santokh Singh and Amarjit Singh son of Gurmukh Singh. The amount of ₹2 lacs was given to Rahul. Kulbir Singh Gaba gave the cheque of ₹45 lacs on 09.03.2021 to him. Out of which, he gave the amount of ₹3 lacs to Dilbagh Singh, ₹7

lacs to Rahul, ₹5 lacs to Amarjit Singh, ₹5 lacs to Gurpreet Singh. On 13.03.2021, Kulbir Singh Gaba gave cheque of ₹50 lacs. Amarjit Singh and Gurpreet Singh helped to accused Sanjeev Kumar for opening the account. Investigation was initiated. Accordingly, offences made out under Sections 420, 465, 467, 468, 471, 482, 120-B of IPC

5. The learned counsel for the accused/applicant has argued that the accused/applicant has been falsely implicated in the present case. Prosecution allegations are false and concocted one. He further argued that the accused/applicant is in custody. He further argued that no useful purpose would be served by keeping the accused/applicant behind bars. He prayed for grant of regular bail to the accused/applicant.

6. On the other hand, learned Additional Public Prosecutor have vehemently opposed the bail application on the ground of gravity and seriousness of allegations. He further argued that there are specific allegations against the accused Sanjeev Kumar that he alongwith his companion prepared the forged general power of attorney. He further argued that the accused/applicant entered into an agreement to sell with complainant with the help of his companion namely Mehma Singh, Dilbagh Singh, Amit, Gurpreet Singh, Amarjit Singh and Rahul. If the accused/applicant is released on bail, he can dissuade the prosecution witnesses from their true testimonies. He can commit another offence. He prayed for dismissal of the bail application.

7. From the submissions of learned Additional Public Prosecutor, learned counsel for the accused/applicant and from the record of trial file, it is

clear that the present FIR was recorded against Sanjeev Kumar, Amit Kumar and Rahul Ramesh @ Rahul Sood. There are specific allegations against the accused Sanjeev Kumar that he alongwith his companion prepared the forged general power of attorney. On the basis of said forged general power of attorney, accused entered into an agreement to sell with complainant with the help of his companion namely Mehma Singh, Dilbagh Singh, Amit Kumar, Gurpreet Singh, Amarjit Singh and Rahul. Accused Sanjeev Kumar received ₹1 crore from the complainant and he distribute the amount of ₹1 crore in themselves. Offence is serious in nature. The accused can commit the offence again if he is released on bail. He can also dissuade the prosecution witnesses from their true testimonies. Offence is serious in nature. Thus, keeping in view the gravity and seriousness of the allegations, no ground is made out to release the applicant on bail. The bail application is accordingly dismissed. Trial court file alongwith copy of this order be returned. File be consigned to the record room.

Pronounced.
17.01.2023

(Avtar Singh)
Addl. Sessions Judge.
SAS Nagar, (Mohali).
(UID No.PB00086)

Bhupinder Singh
Stenographer-II