

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).4313/2009

(From the judgement and order dated 28/05/2009 in CRLM No. 14581/2009 of  
The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)RAM BHAGAT  
VERSUS  
Petitioner(s)STATE OF HARYANA  
Respondent(s)

(With appln(s) for anticipatory bail)

Date: 29/06/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY  
(VACATION BENCH)

For Petitioner(s)

Mr. Brijender Chahar, Sr.Adv.  
Mr. K.R. Anand, Adv.  
Ms. Jyoti Chahar, Adv. for  
Mr. Vinay Garg, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
ORDER

Heard learned counsel for the petitioner.

As per the allegations contained in the F.I.R., a loan of Rs.3 lacs was obtained from the Bank for purchasing a tractor by producing fake documents in respect of the land which was not in his name. For obtaining loan Jagdish had produced a quotation taken from Ram Bhagat (petitioner), who is proprietor of M/s Jai Kali Ma Tractors. After release of the amount in favour of the petitioner, the Bank demanded a

...2/-

-2-

copy of the registration certificate of the tractor from Jagdish. The same was not given to the Bank, which led to further inquiry and it was found that Jagdish (co-accused of the petitioner) was not owner of the land.

Para 11 of the F.I.R. at page 25 reads as under :-

"That after inquiring the matter complainant bank came to know that the tractor has not been registered with the authority till date and same is in possession of accused No.1. This fact also came to knowledge after meeting accused No.1 that accused No.2 has incited him to get loan and assured him that he will manage to complete all the formalities completed. It appears as such that both accused persons in connivance with each other, with their common and pre-intention to cheat and deceive the complainant bank hatched a criminal conspiracy and by doing this the accused persons caused wrongful gain to themselves and wrongful loss to complainant bank by preparing forged documents i.e. Fard Jamabandi for the year 2001-2002 regarding the agriculture land measuring 34 Kanal 9 Marla, False Affidavit dated 7.4.2006 and executed a registered mortgage deed and also submitted forged mutation regarding marking of lien against the property of accused No.1 in the revenue record, whereas lien of the

complainant bank was marked against the property of accused No.1 because he is not the owner of any land in the alleged Khewats and while having knowledge that the accused No.1 is not having any land in his name in the revenue records. The accused No.2 was a co-accused in all the above criminal activities as he was the person behind all this fraud. He is the sole beneficiary of act. He has accompanied the accused No.1 from day one, from opening of

-3-

...3/-

saving account to disbursement of loan and has obtained the D.D. of Rs.3,70,000/- as price of tractor. Both accused had caused a financial loss of more than Rs.3,70,000/- to complainant bank by making fraud upon bank."

In view of the averments made in the F.I.R. and in our considered opinion it is not a fit case for grant of anticipatory bail. The Special Leave Petition is dismissed.

(Sukhbir Paul Kaur)  
Court Master

(Neeru Bala Vij)  
Court Master