



CRM-M-16383-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-16383-2025  
Date of Decision: 07.04.2025

Anil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mohan Singh Rana, Advocate  
for the petitioner.

Ms. Harpreet Kaur, A.A.G., Haryana.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
16	21.01.2022	City Safidon, District Jind	419, 420, 467, 468, 471 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Per paragraph 15 of the bail application and paragraph 4 of status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	29	02.02.2022	419, 420, 468, 471 IPC	City Safidon
2.	30	03.02.2022	419, 420, 468, 471 IPC	City Safidon
3.	32	04.02.2022	419, 420, 468, 471 IPC	City Safidon
4.	33	05.02.2022	419, 420, 468, 471 IPC	City Safidon
5.	35	06.02.2022	419, 420, 468, 471 IPC	City Safidon
6.	36	07.02.2022	419, 420, 468, 471 IPC	City Safidon
7.	37	08.02.2022	419, 420, 468, 471 IPC	City Safidon

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

*“(i) That on 21-01-2022, a complaint bearing No. Dy. No. 251-P, dated 21.01.2022, from the SP Office, Jind, District Jind, was received in the police station, the contents of which were addressed to Mr. Superintendent of Police, Jind.*

*(ii) That in this complaint, allegations were leveled against Rambhagat alias Bhagatram, son of Mangal, son of Bhola, and Shakti Singh, son of Rambhagat alias Bhagatram, son of Mangal, both*



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*residents of village Phaphrana, Tehsil Assandh, District Karnal, regarding obtaining a loan from the complainant bank on the basis of fake and forged documents.*

*(iii) That the complainant bank, i.e., Corporation Bank, Railway Road, Safidon, alleged that the complainant bank, which is now known as Union Bank of India after the merger of banks as per the order of the Government of India, and has its one of the branch at Railway Road, Safidon. The above-said persons came to the Railway Road, Safidon, branch of the bank and stated that Rambhagat is the owner in possession of land measuring 104 Kanal-11 Marla, being a 1/2 share of land measuring 209 Kanal-03 Marla, comprised in Khewat No. 319 and Khata No. 458, situated in village Phaphrana, Tehsil Assandh, District Karnal, as per Jamabandi 2011-2012, and that he wanted to take a loan from the bank for agricultural work. For this purpose, they submitted attested copies of the Jamabandi and Girdawari for the years 2001-2002, 2006-2007, and 2011-2013. Thereafter, the above-said Rambhagat mortgaged his aforementioned land in favor of the bank through a Declaration under Section 4(1) of the Haryana Agricultural Credit Operations and Miscellaneous Provisions Act, based on Jamabandi 2011-2012. The complainant bank further asked these persons to get the above mortgage entered in the revenue record, subsequent to which the above-said persons submitted a mutation letter regarding the recording of the above-said mortgage in the revenue record. This letter also bore the signature of the Halqa Patwari, confirming the sanctioning and attestation of the mutation vide Report No. 156, dated 02.06.2017, in favor of the bank regarding the above-said land. Further, a copy of the new Jamabandi was also submitted to the bank by the above-said persons, a copy of which is enclosed herewith.*

*(iv) That the above-said persons, after submitting the above-referred documents, including the new Jamabandi for 2011-2012 reflecting the entry of the mortgage in favor of the bank vide Report No. 156 dated 02.06.2017, and the mutation letter issued by the concerned Halqa Patwari, further signed and executed other required loan documents in favor of the complainant bank. Based upon these documents, the complainant bank disbursed an agricultural loan of ₹20,00,000/- to the above-said persons on 07.07.2017.*

*(v) That after obtaining the above said loan these persons did not repay the agricultural loan on time and the account of their account was declared NPA by the bank on 12.08.2019. The complainant bank for taking legal action against the borrowers obtained the certified copy of Jamabandi 2011-2012 and 2016-2017 and found that the entry of the above mortgage is not there in the revenue record Jamabandi in favour of the bank and the mutation letter presented by the above said both the persons/accused with regard to entry mortgage in favour of the Bank in the revenue was false and fake. In the similar way the certified copy of Jamabandi year 2001-2002, 2006-2007, 2011-2012 presented by the these two accused at the time of taking loan is also false and fake, Thus both the accused appears. These accused have made fake writing on the mutation letter and fake signature of the Patwari and have cheated the bank by presenting fake Jamabandi to take agricultural loan from the bank. The complaint bank also prayed for registration of the FIR and taking legal action against the accused persons. ”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner



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and their family.

5. The State's counsel opposes bail and refers to the status report.
6. It would be appropriate to refer to the following portions of the status report, which read as follows:

*"The role of the petitioner:*

*That with regard to the complicity of the petitioner/accused in the instant case, it is submitted that during the course of the investigation, sufficient incriminating evidence came on the case file, as discussed in detail above. The petitioner/accused along with co-accused have acted in a negligent manner deliberately to cause loss to the complainant bank by sanctioning the loan on the land which is less in area than shown in the papers. custodial interrogation of applicant/accused is required to unearth the true facts of the present matter further 7 more cases of the similar nature are pending against petitioner same nature of offences. Investigation in the present case is at initial stage and if the petitioner is released on anticipatory bail then that would hamper the investigation. Custodial interrogation of applicant/accused is necessary to unearth the true facts."*

REASONING:

7. Petitioner failed to verify the necessary documents while sanctioning loan due to which complainant faced loss, but this is not a ground to send the petitioner in custodial interrogation. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.
8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.



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10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.

12. *The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator.* The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

***14. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.***

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

***16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.***



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17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

07.04.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.