IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17659 of 2015(O&M)
Date of Decision:20.07.2015

Harjinder Kaur ....Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. A.K. Khunger, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. K.B.S. Mann, Advocate
for the complainant.

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SNEH PRASHAR, J.

CRM-22293 of 2015

This is an application under Section 482 of the Code of Criminal Procedure seeking permission to place on record the documents ie. Annexure C-1 to Annexure C-8.

Application is allowed, and the documents are taken on record subject to all just exceptions.

CRM-M-17659 of 2015

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of anticipatory bail to the petitioner in case First Information Report No.27 dated 22.04.2015 under Section 420 of the Indian Penal Code (for short 'IPC) registered at Police Station Kabar Wala, District Sri Muktsar Sahib.

2. The instant case was registered on a complaint lodged by Manager Nachhattar Singh, Central Co-operative Bank Limited, Branch Midha. The allegation was that petitioner-Harjinder Kaur had got issued a FDR for an amount of Rs.5,25,000/- on 13.12.2007 and another FDR of Rs.5,00,000/- on 11.1.2008 in her name from his Branch. The fixed deposits were got issued by way of transfer of the amount from her bank account No.687. Inadvertently, at the time of preparing the FDR required debit entry could not be made in her bank account. The FDR was for one year i.e. 12 months but the same was encashed by the petitioner just after three months and she also withdrew an amount of Rs. 5 lacs by playing fraud from her saving account and in that manner she cheated the bank and was liable to return the excess amount taken by her alongwith interest @ 18% per annum.

3. Heard the submissions made by Mr. A.K. Khunger, Advocate representing the petitioner; Mr. Ashish Sanghi, DAG, Punjab representing the State and Mr. K.B.S. Mann, Advocate for the complainant.

4. Learned counsel for the petitioner submitted that though it was true that the petitioner had got prepared one FDR of Rs. 5,25,000/- on 13.12.2007 and another of Rs.5,00,000/- on 11.01.2008 and both the FDR's were for one year, but the allegation of the complainant that the petitioner committed fraud or cheated the bank is completely baseless. The FDR of Rs.5,00,000/- was got issued by the petitioner on

11.01.2008 by paying cash amount to the bank. Infact, the petitioner paid Rs.5,90,000/- out of which 90,000/- were credited in her account and for the remaining Rs.5,00,000/- the FDR was issued. The cash amount with the petitioner was the sale proceeds of the land sold by her and her family members in the year 2007. Learned counsel also submitted that it does not appear to be plausible that for more than 07 years the mistake, if any, on the part of the bank was not detected. Alleging that nothing is to be recovered from the petitioner, learned counsel sought her release on anticipatory bail.

4. The prayer is opposed by learned State counsel and learned counsel for the complainant. They submitted that they have placed on record copy of the statement of account of the petitioner, wherein entry of issuance of a FDR on 13.12.2007 as well as on 11.01.2008 had been made but on issuance of the FDR on 11.1.2008 an entry showing debit of the said amount in the account had not been made. The photocopies of the vouchers vide which Harjinder Kaur got issued the FDR from her savings account have also been produced.

5. From the documents placed on file it appears that when it came to the notice of the petitioner that the amount of Rs. 5,00,000/- of the fixed deposit got issued by her on 11.12.2008 had not been debited in her saving account, she immediately got the FDR encashed and also withdrew the entire amount lying in her account on 11.04.2008 leaving only a nominal amount. Copies of the notices issued to the petitioner by the bank from time to time have also been produced. The bank may

have taken a long time in detecting the omission but prima-facie their allegation is supported by relevant documents.

Learned State counsel submits that recovery of the amount of which the petitioner cheated the bank is to be made. The amount withdrawn by the petitioner illegally from the complainant bank was public money. As there are serious allegations, least any expression above may cause prejudice to either side, in my considered opinion no ground for release of the petitioner on anticipatory bail is made out and the petition is hereby dismissed

(SNEH PRASHAR)
JUDGE

July 20, 2015
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