

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No.M-22844 of 2015
Date of decision : 28.07.2015**

Harbans Singh

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

Present: Ms. Renu Bala Gautam, Advocate
for the petitioner.

Mr. V.P.S. Sidhu, AAG, Punjab.

Mr. Jagdeep Bains, Advocate
for respondent No.2.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking anticipatory bail in FIR No.55 dated 20.06.2015, registered under Sections 420, 465, 467, 468, 471 IPC, Police Station Boha, District Mansa (Punjab).

Heard.

The complainant had taken the revolving cash credit limit of Rs.4 lacs from Mansa Central Co-operative Bank. Harbans Singh Petitioner was then Manager of the Co-operative Bank. Allegations of fraud have been levelled against him. The complainant had alleged that he was granted credit limit of Rs.4 lacs but the Manager had no

power to increase or lower the limit but he manipulated the record and increased the limit by Rs.1 lac and got an entry made and withdrew the amount some time in 2007. The Manager got posted out. Later the complainant came to know about the fraud and made a complaint which was examined by the police. The case was transferred to the E.D. Wing and after long investigation, the FIR was registered in 2015.

The contention raised on behalf of the petitioner is that he had not taken any pecuniary benefit and the amount is said to have been transferred in the account and the complaint was made six years later and the cheque bears the signatures of the complainant and it was he who withdrew the amount and the complaint had been made on account of previous enmity. It was urged that the petitioner was ready to deposit Rs.1 lac with the trial Court and can be made subject to the decision of the trial Court.

The bail application is opposed by the complainant as well as the State. It was urged that the original record is available and it can be seen that an entry has been inserted in the ledger in small letters. It was urged that the signatures of the complainant were got compared with those available on the receipt and the signatures of the complainant do not match the signatures and the E.D. Wing had made a thorough investigation. The counsel for the complainant urges that the complainant was never a defaulter and now interest is shown to be pending against him and the amount was used by the accused. He urges that no cheque was signed by the petitioner and the document Annexure P-1 is not a cheque.

I have examined the facts. The allegations are serious. Section 438 Cr.P.C. is an extra ordinary remedy and protection can be granted only considering the material and the facts of a given case. The allegations against the petitioner are grave. Custodial interrogation is necessary. It would be difficult to carry out the investigation and it is necessary to curtail his freedom to enable the Investigators to proceed. No fetters can be placed upon the Investigators.

The petition is dismissed.

28.07.2015
sunil

(ANITA CHAUDHRY)
JUDGE