IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-26571 of 2015
Date of decision: 11.12.2015

Manjinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by SI Pal Singh.

Mr. S.S. Bhinder, Advocate for the complainant.

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Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.10, dated 19.05.2015, registered under Sections 409, 420, 467, 471, 120-B of IPC and Section 13(1) (D) read with Section 13(2) 88 of Prevention of Corruption Act, at Police Station Vigilance Bureau Bathinda, District Bathinda.

It is contended that the petitioner has been falsely implicated in the instant case and made a scapegoat to save the actual culprits. The petitioner worked as a cashier in Bank Branch Mehma Sarja continuously from 13.06.2008 and in November, he was promoted as Assistant Manager, however, he was kept on the post of cashier itself. During his service in the Branch, 5/6 Branch Manager had served. As per FIR, the petitioner had committed embezzlement of Rs.2,90,22,215/-, by tampering the bank record withdrew the amount from 2008 to 2014. The learned counsel further submits that it is highly inconceivable that an employee of a level of clerk-cum-cashier would embezzle the amount as alleged for such a long period despite there being audit in the bank every two years. The learned counsel further refers to the entries dated 30.04.2010 and 13.05.2010, which are the dates when the petitioner was shown to be the incharge, whereas, the Manager Surjit Singh, was shown to be on leave to contend that as per the record, the Manager Surjit Singh has signed the ledger accounts which contains all the entries certifying the veracity of such entries. It is further submitted that the payment was released by the petitioner after certification by the Computer Data Operator which was duly approved by the Bank Manager. Therefore, the petitioner alone cannot be held for such a lapse in the bank accounts. The investigation is complete. The challan stands presented. Nothing is to be recovered from the petitioner. He is in custody since 19.05.2015.

On the other hand, the learned State counsel as well as learned counsel for respondent No.2 oppose the prayer of bail and state that as per the investigation, the petitioner has embezzled a huge amount, therefore, the present petition deserves to be dismissed.

I have heard learned counsel for the parties and perused the record.

It is not in dispute that the petitioner acted as Manager while the Branch Manager Surjit Singh was on leave. In the absence of the Branch Manager, the petitioner used to sign cheques, vouchers and cash book. The petitioner was posted as Clerk cum cashier in the bank. The said embezzlement pertains to the year 2008 to 2014. During the relevant period, two internal audit inspections were carried out wherein no such embezzlement was noticed. In such circumstances, the involvement of the other bank officials cannot be ruled out. The investigation is complete. The challan stand presented. The trial is yet to commence, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

11.12.2015 **(JITENDRA CHAUHAN)**
sumit.k **JUDGE**