IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 2.2.2015

CRM No. M-35883 of 2014 (O/M)
Anoop Singh ..... Petitioner

Versus

State of Punjab ...... Respondent

CRM No. M-42070 of 2014 (O/M)
Swinder Singh ..... Petitioner

Versus

State of Punjab ...... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. D.S. Pheruman, Advocate, for the petitioner in CRM No. M-35883 of 2014.

Mr. Harsharan Singh Bajwa, Advocate, for the petitioner in CRM No. M-42070 of 2014.

Mr. Nikhil K. Chopra, Deputy A.G. Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

By this order, I will dispose of CRM No. M-35883 of 2014, filed by accused/petitioner Anoop Singh and CRM No. M-42070 of 2014, filed by accused/petitioner Swinder Singh.

Petitioners seek anticipatory bail in FIR No. 123 dated 23.8.2014, registered under Sections 408/420/467/468/471/34 IPC at Police Station Majitha, District Amritsar (Rural).

Learned State counsel states that in this case, the embezzlement of Rs. 2.53 crores has been detected. The investigation is still going on and some more embezzlements are likely to be detected. It has been argued that in this case, a fraud was committed with the help of officials of the Central Cooperative Bank Limited. It is stated that in this case, the loan was realized, but the same was not posted in the account books and the amount has been embezzled.

Accused/petitioner Anoop Singh was posted as a Cashier in the said Bank, whereas it is alleged against petitioner Swinder Singh that he was also earlier posted in the said Bank and that the record qua him is also being investigated and qua him, a fraud is also being detected. It has been argued that qua accused/petitioner Anoop Singh, the embezzlement of Rs. 10 lacs has been detected.

Learned counsel for the petitioners, on the other hands, have argued that Swinder Singh was not named in the FIR and that the dispute was regarding the period after he relinquished the charge of his post from the said Bank. It has been argued that the posting of accounts was not done by any of the petitioners and that one Satnam Singh was responsible for making the entries.

I am of the view that the fraud of such a huge amount cannot be committed without the connivance of the officials of the bank. At this stage, the investigation is going on and the role of each of the employee is to be determine.

Learned State counsel has further argued that some of the records have been destroyed, regarding which a separate FIR has been registered.

I am of the view that if any of the accused is released on bail, he may hamper the investigation. Some of the records are still to be recovered from Anoop Singh (petitioner).

In these circumstances, it is not a fit case where the extra ordinary powers under Section 438 Cr.P.C. should be exercised to release the petitioners on anticipatory bail. Therefore, both the anticipatory bail petitions are dismissed.

(KULDIP SINGH)
JUDGE

2.2.2015
sjks