IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-3630 of 2015(O&M)
Date of decision : April 06, 2015

Sham Lal

...... Petitioner

versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE ANITA CHAUDHRY

Present: Ms. Jagdeep Bains, Advocate for the petitioner

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

ANITA CHAUDHRY, J.

Crl. Misc. No. 10842 of 2015

Application is allowed and accompanying documents Annexures P-6 and P-7 are taken on record.

Crl. Misc. No. M-3630 of 2015

The petitioner is seeking anticipatory bail in FIR No. 20 dated 16.12.2014, registered at Police Station Vigilance Bureau, Amritsar under Sections 409, 420, 467, 468, 471, 120-B IPC and 13 (1)(d) of Rule 13(2) of P.C. Act, 1988.

Heard.

The petitioner is a Clerk with Gurdaspur Central Co-operative Bank. The allegations against the official of the Bank and the revenue officials is of withdrawing money on forged documents. The allegations against the petitioner are that he in connivance with the Branch Manager, the loanees caused financial loss to the Government over Rs. 75 lacs.

An enquiry was held in the complaint and the Vigilance Bureau gave its report. Pursuant to the enquiry report, FIR was registered. The main contention of the petitioner is that he was a

Peon and was promoted as a Clerk and his duty was not to verify the documents or the identity of loanees and the Lambardar who had identified the loanees, who has been granted bail and his case is similar to the Lambardar.

Learned counsel for the petitioner refers to the bye laws and states that duties of Manager and the Directors are defined. Learned counsel for the petitioner, however, submitted that it was duty of the Branch Manager to visit the house and verify the persons before allowing credit. When a query was put to specifically refer to the clause, she was unable to do so.

Learned State counsel submits that the petitioner had verified the signatures and had signed as Branch Manager and the loanees and Manager are in custody and allegations against the Lambardar are different and the Cooperative Bank could not be cheated without the active participation of the petitioner.

The petitioner is seeking anticipatory bail. The allegations against him are serious. Custodial interrogation is required. The petitioner and the Branch Manager had hatched conspiracy and had cheated the Bank of public money to the tune of Rs. 82 lacs. The amount had been disbursed to the persons who were not members of the Society. No case for anticipatory bail is made out. The petition is dismissed.

April 06, 2015 **(ANITA CHAUDHRY)**
reena **JUDGE**