

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

CRM-M-16216-2016 (O&M)

Date of decision : 27.09.2016

Rajni Gulati and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S. Gill, Advocate for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Diljit Singh.

Respondent Nos.2 and 3 in person.

Mr. Deepak Gupta, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The petitioners seek pre-arrest bail in case FIR No.40 dated 17.03.2013, registered under Sections 419, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, and Sections 66, 66C and 66D of the Information Technology Act, 2000, at Police Station Muktsar City.

Heard.

On 11.05.2016, the following order was passed:-

“Prayer is for grant of anticipatory bail to accused petitioners Rajni Gulati, Ramandeep Kaur and Raman Bhatia @ Raman Kumar in case FIR No.40 dated 17.3.2013 under Sections 419,420, 465,467,468,471,120-B IPC and Section 66, 66C, 66D of the IT Act,2000 at PS Muktsar City,Distt.Muktsar.

Petitioner no.1-Rajni Gulati is Deputy

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Manager in HDFC Sector 9, Chandigarh Branch; petitioner no.2-Ramandeep Kaur was a Teller in the same branch while petitioner no.3-Raman Bhatia @ Raman Kumar was Manager of the said Bank during the period of the alleged offence in the year 2012.

Complainant Sukhmani Minar Lamba is niece (Bhateejee) of Mohan Bir Singh who died on 1.2.2006 and Manmohan Kaur who died on 8.1.2012. Principal accused Chinara Lamba is also niece of the aforesaid two persons and a cousin of the complainant. The other principal accused is Mandeep Sandhu, husband of accused Chinara Lamba.

Allegations against petitioners-3 bank officials are that they being bank officials in connivance of the principal accused husband and wife duo had permitted the operation of accounts of aforesaid dead persons in the month of April 2012 when huge amounts were transferred causing gain to the principal accused and loss to the estate of deceased persons.

It is contended that the principal accused Chinara Lamba and her husband Mandeep Sandhu were residing with Manmohan Kaur and were operating all her accounts including ATM/Debit Card and Internet Banking, although as it transpires that Manmohan Kaur and Mohanbir Singh had died, the principal accused had always come with cheques containing correct signatures of the deceased persons. Transactions were permitted since the signatures on the presented documents matched with the specimen signatures in the system and it was not in the

knowledge of the Bank authorities either at Chandigarh or Muktsar Branch regarding death of aforesaid two persons and for the first time it was in the month of May 2012 it was intimated by the complainant that Mohanbir Singh had died in the year 2007 and yet not disclosed regarding death of Manmohan Kaur on 8.1.2012. It is thus contended that entire action of the bank officials is bona fide and no offence is made out.

Notice of motion for 3.8.2016.

In the event of arrest, the petitioners shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer. Petitioners shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C.”

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioners have joined the investigation and they are not required for custodial interrogation.

Learned counsel for the complainant has vehemently opposed the instant petition. It is contended that the fraud has been committed with active connivance of the petitioners.

Respondent No.3, present in person, states that the instruments presented before the bank officials were carrying signatures of the account holder. The entire amount was transferred in the account of the account-holder.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated

11.05.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

27.09.2016

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**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No