IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-19210 of 2016 (O&M)
Date of Decision: 30.05.2016

Satinder Kaur --Petitioner

Versus

State of Punjab --Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Arnav Sood, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA.J

The present petition has been filed under Section 438 Cr.P.C seeking the concession of anticipatory bail to the petitioner in case F.I.R. No.50 dated 8.5.2016 under sections 406, 409, 420, 465, 468, 471, 120-B I.P.C, registered at Police Station, Garhshankar, District Hoshiarpur.

F.I.R has been registered on the allegations that from the account of one Jodh Singh held in State Bank of Patiala Branch Garhshankar, an amount of Rs.5 lacs was withdrawn on 13.5.2015, whereas Jodh Singh was not even in India from 23.11.2014 to 7.11.2015 as per his travel documents.

The present petitioner is sought to be implicated on the basis that she was serving on the post of Assistant Manager of the concerned branch and on the relevant date.

Counsel would vehemently contend that there are no allegations of cheating or forgery against the petitioner and at best the accusation can be one of misconduct. Further contended that the petitioner has an unblemished record of service of 20 years.

Having heard learned counsel for the petitioner at length and having perused the pleadings on record, this Court is not inclined to extend to the petitioner the concession of pre-arrest bail.

During the course of arguments the allegations of a withdrawal form having been processed by the petitioner and an amount of Rs.5 lacs having been withdrawn from the account of Jodh Singh on 13.5.2015 and such Jodh Singh even not being in India on such date, is admitted.

Furthermore, an inquiry was got conducted by the bank itself into such allegations and in which the findings have been returned that the present petitioner had violated the Head Office circular dated 18.6.2013 and had exceeded her passing powers. Counsel admits that the petitioner while holding the post of Assistant Manager could exercise her passing powers only up to an amount of Rs.2 lacs, whereas the withdrawal form in question was that of an amount of Rs.5 lacs. In the inquiry that has been conducted there are findings that the payment had been passed without even calling for the passbook and without referring the withdrawal form to the Branch Manager, who was the competent officer/authority. The voucher/withdrawal form in question is also stated to have gone missing.

Counsel would lay much stress on the fact that the Bank has made a deposit of Rs.5 lacs back in the account of Jodh Singh immediately after the allegations had surfaced i.e. on 24.11.2015.

Be that as it may, the allegations against the present petitioner are categoric and serious in nature. Banking survives solely on public trust. It is this very trust that the present petitioner has *prima facie* betrayed. The allegations are also indicative towards the present petitioner having acted in connivance and at the behest of a person who was trying to enrich himself of a sum of Rs.5 lacs fraudulently.

In view of the above, prayer made in the instant petition is declined.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

30.05.2016
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