IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24110 of 2016.
Decided on:-03.08.2016.

Mukesh Garg.

.........Petitioner.

Versus

State of Haryana.

.........Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Sushil Kumar Verma, Advocate
for the petitioner.

HARI PAL VERMA, J.

The petitioner has filed this petition under Section 438 Cr.PC seeking anticipatory bail in case FIR No.330 dated 6.8.2015 under Sections 409, 420 IPC read with Sections 467, 468, 471 IPC (added later on) registered at Police Station Rania, District Sirsa.

The aforesaid FIR was registered at the behest of Branch Manager, Sarva Haryana Gramin Bank, Keharwala Branch, Tehsil Nohar, District Hanumangarh (Rajasthan). The allegation against the petitioner is that while working as Assistant Manager with the complainant-bank, he has committed fraud of Rs.4,55,853.98 after making the ID of account No.81680100014533 and the inoperative bank account was made operative.

Learned counsel for the petitioner has argued that the petitioner has never been involved in any criminal case prior to the present one. The water-shed account in question was converted from inoperative to operative on 26.6.2014 and the petitioner has no role in operation of the said account. He states that the inoperative account was made operative by one Abhishek Kumar, who was posted as office Assistant in the Rania Branch and was verified by the system. The alleged amount has already been recovered/deducted by the bank from the personal account of the petitioner. Even the FIR in question is a delayed one. The petitioner has accounted his personal deposit by giving satisfactory explanation. The water-shed account in question was opened in the year 1995 and due to continuous non-operation for a period of 2 years, it became inoperative in the year 1997. As per RBI rules, the amount of inoperative account after the expiry of 10 years is liable to be sent to the Reserve Bank of India, but since the year 2007, no efforts have been made by the bank authorities to send the amount of this account to the RBI. This shows that the bank was wilfully withholding such amount. Moreover, for the aforesaid reason, the petitioner has been placed under suspension.

I have heard learned counsel for the petitioner.

The allegation against the petitioner is serious in nature as he has misappropriated the public money which was lying deposited in the bank. The department has conducted investigation of the suspected fraud committed by the petitioner and vide enquiry report dated 20.7.2015, it has been reported that it is a clear fraud involving sum of Rs.4,55,853.98 by the petitioner through fictitious accounts opened in the name of one Silochna

Devi by adopting the modus operandi of converting inoperative bank account into operative.

In view of the above, this Court does not find any reason to admit the petitioner on anticipatory bail. As such, the present petition is hereby dismissed.

It is made clear that the observations made hereinabove shall have no bearing on the merits of the case and are restricted for the purpose of decision of present petition only.

(HARI PAL VERMA)
JUDGE

August 03, 2016
Yag Dutt

Whether speaking/reasoned: Yes / No

Whether Reportable: Yes / No