

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-33895-2013 (O&M)

Date of Decision: February 11, 2016

Sukhpreet Singh Bedi

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Saurabh Arora, Advocate,
for the petitioner.

Mr. P.S. Ghuman, Addl. AG, Punjab,
for respondent No. 1.

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| 1. | <i>Whether Reporters of local papers may be allowed to see the judgment?</i> | YES |
| 2. | <i>To be referred to the Reporters or not?</i> | YES |
| 3. | <i>Whether the judgment should be reported in the Digest?</i> | YES |

NARESH KUMAR SANGHI, J. (Oral)

Challenge in this petition, filed under Section 482, Cr.P.C., is to the order dated 11.9.2013 (Annexure P-6), passed by learned Additional Sessions Judge, Pathankot, whereby the revision filed by the petitioner challenging the order dated 18.4.2012 (Annexure P-5), passed by learned Sub-Divisional

Judicial Magistrate, Pathankot, whereby the petitioner was summoned under Section 319, Cr.P.C., to face trial for the offences punishable under Sections 408, 420, 467, 468 and 471 read with Section 34, IPC, in a case arising out of FIR No. 71, dated 10.6.2010, registered at Police Station, Division No. 1, Pathankot, was dismissed.

Learned counsel contends that the petitioner, Sukhpreet Singh Bedi, was admittedly an employee of the bank and in such capacity he had introduced Pardeep Kumar Dutta while opening the bank account and, as such, the ingredients of any of the offences for which he (petitioner) has been summoned to face trial, are not attracted. In support of his contention, learned counsel has placed reliance on a judgment of Hon'ble the Supreme Court delivered in the case of **Manoranjan Das v. State of Jharkhand**, AIR 2004 SC 3623. He has also submitted that in more than 3000 cases, the bank personnel had introduced the persons who had opened their accounts in the bank and, as such, to introduce a customer to the bank is a normal course for the bank employees. He further submits that there was no *mala fide* intention on the part of the petitioner in introducing Pardeep Kumar Dutta to the bank. He also submitted that Pardeep Kumar Dutta was a customer of the bank from 2002 and, as such, he was

well known to the petitioner and other employees of the bank, hence, there was no occasion for the petitioner to commit any mistake in his introduction to the bank. He has also referred to the documents (Annexure P-2) issued by the bank showing that incentives were to be given to the employees for introducing customers to the bank.

On the other hand, learned counsel for the State has vehemently opposed the contentions raised by learned counsel for the petitioner and submitted that there were specific allegations in the FIR and other documents collected during investigation that the petitioner not only introduced Pardeep Kumar Dutta to the bank, but it was in his (petitioner) knowledge that Pardeep Kumar Dutta was not the proprietor of M/s Doaba Automobiles, Pathankot. He further contends that if Pardeep Kumar Dutta was known to the petitioner since 2002, then he must be aware that Pardeep Kumar Dutta was not the proprietor of M/s Doaba Automobiles and, as such, he (petitioner) was privy to the offences committed by his co-accused, Pardeep Kumar Dutta. In support of his contentions, learned counsel for the State has referred to the FIR (Annexure P-3) wherein the informant has specifically alleged that Pardeep Kumar Dutta with an intention to cause undue advantage to himself and to cause

undue loss to the firm M/s Doaba Automobiles, prepared fake documents of firm M/s Doaba Automobiles, Pathankot, and got opened a Current Bank Account on 25.3.2010 in the name of a fake company M/s Doaba Automobiles, Pathankot, in connivance with Sukhpreet Singh Bedi (petitioner), a Clerk in the Hindu Cooperative Bank Limited, Pathankot. It was further alleged that Pardeep Kumar Dutta, in connivance with the petitioner got issued a cheque book containing cheques bearing Nos. 875901 to 875925 from the Hindu Cooperative Bank Limited, Railway Road, Pathankot, in favour of the firm M/s Doaba Automobiles.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

The judgment cited by learned counsel for the petitioner would not come to his help because the ratio of the said judgment is that the accused had simply introduced a customer to the bank, but in the case in hand the allegations against the petitioner are not only of introduction of Pardeep Kumar Dutta to the bank but of his further connivance in committing cheating etc. If the allegations would have been that the petitioner had introduced Pardeep Kumar Dutta to the bank,

then he might have a case in his favour, but the allegations are much more than mere introduction and, as such, after scanning the whole material available on record, this Court concur with the views expressed by learned Trial Court and affirmed by learned Revisional Court.

Dismissed.

However, it is made clear that the observations made here-in-above are for the limited purpose of deciding the present petition.

(NARESH KUMAR SANGHI)
JUDGE

February 11, 2016
Pkapoor