

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

CRM-M No. 34272 of 2016

Date of decision : December 12, 2016

Ashish Malik,

..... Petitioner

v.

State of Punjab and another,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Inder Pal Singh, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG Punjab

Mr. Sumit Batra, Advocate
for respondent No.2.

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail in case FIR
No.247, dated 4.8.2016, registered under Sections 420, 120-B of the IPC,
at Police Station Zirakpur, District SAS Nagar, Mohali.

On 4.10.2016, the following order was passed :-

“ Learned counsel for the petitioner states that in
case the interim bail is granted to the petitioner, he
would settle the dispute with the bank. He has argued

that in this FIR, Bank has very cleverly shield the role of the officials but even if the allegations are taken to be correct, the offence could not have been committed without the connivance of the bank officials.

Learned State counsel states that the prosecution will look into the role of the bank officials also and she would have no objection if interim bail is granted to the petitioner so that the public money can be returned.

In these circumstances, I grant interim bail to the petitioner.

Let the petitioner be released on interim bail to the satisfaction of the learned Chief Judicial Magistrate, Mohali/Duty Magistrate.”

Today, Mr. Sumit Batra, Advocate has put in appearance on behalf of the bank and states that despite the undertaking given on the first date, the petitioner has not even approached the bank to make any settlement nor has he made any payment.

Counsel for the petitioner states that actually the bank could not have transferred the money in the account of the seller unless the sale deed had been executed.

Counsel for the bank-respondent No.2 states that both the petitioner-Ashish Malik and the vendor Atul Kumar and Bharti were old customers of the bank. They had obtained various loans and had also cleared them. It was on the request of the petitioner that the money was transferred to the account of aforesaid Atul Kumar and Bharti. He further states that out of that amount of ₹ 30 lacs, a sum of ₹ 20 lacs was

and ₹ 4 lacs were transferred on 16.2.2016.

In my opinion, though the statement made by counsel for the respondent-Bank is not entirely satisfactory yet the fact remains that the petitioner has not implemented the condition under which he was granted interim bail. In the circumstances, this petition is dismissed.

Copy of this order be sent to the Zonal Manager, Indian Bank, SCO No.132, Sector 7C, Chandigarh to take action, if he deems fit, against the bank official/s involved in the present case.

December 12, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No