

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

(203)

CRM-M-8733-2016

Decided on: August 03, 2016.

Monika Mahajan

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. H.S. Gill, Sr. Advocate, with
Mr. Vivek Goyal, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Baldev Singh and Harbhajan Singh alleging that they had obtained CC limit of Rs.15 lacs each and obtained the facility by paying a bribe of Rs.2 lacs each to the petitioner. A sum of Rs.8 lacs each was released to them. So far as the allegation against the petitioner is that she not only received a bribe of Rs.2 lacs each from the complainant for providing them limit of Rs.15 lacs but has misappropriated a sum of Rs.7 lacs each which was to be released to the complainants.

Learned counsel for the petitioner has vehemently contended that the petitioner is a lady and was working as Branch Manager of Union Bank of India, Kapurthala and she has been dismissed from the service on the basis of the negligence and supervisory lapses and not on the charge of having embezzled any amount. Copy of the order passed by disciplinary authority has been made available on record.

With the assistance of learned State counsel and the investigating officer, I have gone through the police record.

In the statement of victim Harbhajan Singh, it has been recorded that the amount of loan to the extent of Rs.28 lacs, has been withdrawn from their account by the employees of the Bank in connivance with the petitioner.

Learned counsel for the petitioner has also argued that the alleged act is of the year 2013 but the FIR was registered after a gap of more than three years. He also relied upon *Ravindra Saxena Vs. State of Rajasthan, 2010 (1), SCC 684* and *Naresh Kumar Vs. State of Punjab, 2010 (1) RCR (Criminal) 318,* in support of his contention that anticipatory bail can be granted in cases of embezzlement and misappropriation as custodial interrogation is not required where the case is based upon the documentary evidence.

The contrary findings in disciplinary proceedings will not in any manner effect determining the culpability of an accused if the allegations of criminal misconduct or misappropriation during course of employment are there.

I have heard learned counsel for the petitioner and gone through judgments cited by him. I am of the opinion that in *Ravindra Saxena's case (supra)* the challan had been presented and the pre-arrest bail had been granted taking into consideration the said fact. So far as judgment in *Naresh Kumar's case (supra)* is concerned, the said judgment does not lay a rule of law that in those cases where the evidence is based upon the documentary evidence, the anticipatory bail is to be granted.

Taking into consideration the fact that the investigation is at initial stage and there are grave allegations of embezzlement of huge amount which is not only dereliction of the duty but also a prima facie case of misappropriation.

The petition is dismissed.

Nothing said in this order will prejudice the right of the petitioner to seek concession of regular bail by surrendering before the Illaqa Magistrate or the investigating officer.

(M.M.S. BEDI)
JUDGE

August 03, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No