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

**CRM-M-13382 of 2017
Date of Decision: 11 October, 2017**

Vijay Patil ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-12377 of 2017

Uday Marathe ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-12702 of 2017

Amar Agnihotri ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. SPS Sidhu, Advocate
for the petitioner (In CRM-M-13382 of 2017).

Mr.G.S. Bedi, Advocate
for the petitioner (In CRM-M-12377 of 2017).

Mr. K.S. Dadwal, Advocate
for the petitioner (In CRM-M-12702 of 2017).

Mr. Sandeep Kumar, DAG, Punjab.

FATEH DEEP SINGH, J.

These three regular bail applications of the petitioners Vijay Patil, Uday Marathe and Amar Agnihotri having arisen in the same very FIR are being taken up and disposed off together.

The facts brought to the notice of this Court and as is the story of the prosecution are that the present case was got registered on the complaint of HDFC Bank, Guruharsahai Branch by its Branch Manager alleging that on 7.9.2016 accused/non-applicant since declared as Proclaimed Offender namely Swaran Singh, Assistant Manager of the Bank in connivance with his co-accused petitioners Vijay Patil, Uday Marathe, Amar Agnihotri and non-applicants/Jay Krushna Shukla, Santosh Anbhavanw and Parvin Patade had entered into a criminal conspiracy and in consequence of which, accused Swaran Singh misusing his official position in the Bank made a bogus cash entry of Rs.99 Crores in the account of M/s Classes Diagnostic Pvt Ltd. which was having its account with the branch of the complainant Bank in Mumbai and during that course, it is alleged that petitioner-Vijay Patil, an Advocate by profession along with Uday Marathe visited the Bank and filled in RTGS form for transfer of this amount to the Branch of the Bank at Mumbai and at that point of time due to internal vigilance within the Bank an alert was sounded and these persons were apprehended at Mumbai consisting of petitioners/Vijay Patil, Uday Marathe, Amar Agnihotri and non-applicants/Jay Krushna Shukla, Santosh Anbhavanw and Parvin Patade. It is worthwhile to mention here that another bogus entry on the same very day for sum of Rs.49,000/- was made by above said accused Sarwan Singh, Assistant Manager of the Bank in the account of his wife in the same very branch and payment was withdrawn through ATM of the Bank and has also made payments through credit card.

Learned counsel for the petitioners have argued that the petitioners/accused are in custody since 8.9.2016 and that the trial is not likely to be concluded in near future and that there is no role of direct involvement of any of the petitioners brought on the records and that the investigations are complete and there is no apprehension of fiddling by the accused of the same contending further that the principal accused Parveen Patade, who has filled in the RTGS cheque of Rs.99 Crores has been allowed bail by the Court of Learned Additional Sessions Judge, Ferozepur vide orders dated 06.01.2017 when his case was on a more serious footing than that of a petitioners and citing ratios laid down in ***Sanjay Chandra vs. CBI 2011(4) RCR Criminal 898; State of Kerala vs. Raneef 2011 AIR (SC) 340; Kalyan Chandra Sarkar vs. Rajesh Ranjan @ Pappu Yadav 2005(1) RCR (Criminal) 703 and Sanjay Jha vs. State of Chhattisgarh 2014(2) RCR Criminal 405*** have sought parity.

The bail applications are stoutly opposed by the learned State counsel on the grounds that it is a serious case of Bank fraud which was apprehended during the transaction in process and the accused were caught red handed and that the accused namely Santosh Anbhavanw and Bhagwan Singh have already declared proclaimed offenders along with Sarwan Singh, a kingpin of the same and that the heinousness of the offence and seriousness of the allegations does not calls for grant of bail to the petitioners as there is every likelihood that the petitioners would stifle the fair trial.

Appreciating the submissions, this Court on earlier occasions vide orders dated 30.01.2017 and 13.02.2017 dismissed the bail applications of the petitioners and the learned counsel for the petitioners could not convince this Court how any fresh ground has come up in the intervening period. There is specific role attributed to the petitioner Amar Agnihotri, who happens to be the Director of the Company and, thus, direct beneficiary of this contemplated Bank fraud, wherein, his co-accused Vijay Patil and Uday Marathe/petitioners have too actively participated by playing active role in filling RTGS form and tried to withdraw the amount through Bank transaction and, therefore, question of parity does not arises. Keeping in view the seriousness of the allegations and heinousness of the offence and the fact that such like Bank frauds have attained notoriety and faith of the public at large in the banking system needs to be secured, together with the fact that there is every likelihood that if allowed bail, the petitioners may either abscond like their co-accused or stifle the fair trial. The cited ratios do not come to the aid of the petitioners in any manner.

In view of the reasons detailed above, no ground to allow the present bail applications is made out.

Dismissed.

Before parting with this case what has come across from the records, it was none other than accused Parveen Patade, who was instrumental in filling the cheque to facilitate the fraud of Rs.99 Crores and his bail application was allowed by the Court below in spite of seriousness of the allegations at initial stage of the investigations and that of his co-accused was declined certainly impinges judicial conscience of the Court. Thus, the matter is referred to the Administrative Judge of the District, where the concerned Officer is presently posted for appropriate action.

(FATEH DEEP SINGH)
JUDGE

11th October, 2017
aarti

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No