

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-18491 of 2016 (O&M)
Date of Decision: 23.01.2017

Sanjeev Narain Choudhary

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Arun Sharma, Advocate for
Mr. Tajender K. Joshi, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Punjab.

TEJINDER SINGH DHINDSA.J

Status report by way of affidavit of the Deputy Superintendent of Police, Sub Division, Sangrur District Sangrur has been filed in Court today and the same is taken on record.

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.345 dated 28.11.2015 under sections 406 I.P.C, (later on added offence under Section 409 I.P.C), registered at Police Station, City Sangrur, District Sangrur.

On 01.06.2016, while issuing notice of motion, the following order was passed by this Court:-

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.345 dated 28.11.2015, under Section 406 IPC (Section 409 IPC has been added later on), registered at Police Station City Sangrur, District Sangrur.

FIR has been registered on the complaint of Ashish Grover. Accusations in a nutshell are pertaining to locker No.35 of Oriental Bank of Commerce, Sunami Gate, Sangrur having been operated unauthorizedly and gold ornaments weighing about 70/75 tolas having been taken away.

FIR has been registered against the present petitioner who

was holding the post of Senior Manager in the Bank concerned as also co-accused, Rajinder Kumar i.e. a Peon of the Branch concerned.

During the course of hearing today, counsel for the petitioner has produced a copy of an inquiry report dated 05.12.2015 furnished by Chief Manager, Oriental Bank of Commerce, Regional Office, Patiala which is in relation to an internal inquiry conducted by the Bank itself into the allegations levelled. As per such inquiry report, the allegations have been found to be baseless and such inquiry is stated to have been approved even by the Regional Head of the Bank. The conclusion drawn in the report dated 05.12.2015 reads in the following terms:

“Conclusion: From the above, it has been observed that the locker was last operated on 13.11.2014 and locker holder informed the Bank about loss of key on 28.08.2015 i.e. after lapse of 9 months. In the intervening period despite festival and marriage season locker was never operated. Moreover in his application for loss of keys and break open of locker request, he has not apprehended about loss of key in the branch. It appears to be baseless allegation only to harass the bank officials who were only performing their duties as per the system and procedures of the bank.”

Notice of motion, returnable for 14.09.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

It has gone uncontroverted that the petitioner has since joined investigation.

That apart, the factum of an inquiry having been conducted by the Oriental Bank of Commerce itself and an inquiry report dated 05.12.2015 having been furnished in which the allegations against the petitioner have been found to be unfounded, have gone un rebutted.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 01.06.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

23.01.2017

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Whether speaking/reasoned:	Yes
Whether Reportable:	Yes