

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

Crl. Misc. No.M-23698 of 2017 (O&M)

Date of Decision: July 31, 2017

Sunil Kumar Jha

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vikram Sheoran, Advocate
for the petitioner (s).

Mr. Ashish Yadav, Addl. A.G., Haryana.

Mr. Sanjiv Kumar Aggarwal, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 767 dated 05.10.2016 registered for the offences punishable under Sections 406, 419, 420 465, 467, 468 read with Section 120-B of Indian Penal Code at Police Station City Sirsa.

Heard.

The petitioner was arrested in this case on 27.04.2017 and is in custody since then. The allegation against him is that he is an employee of AXIS bank and had been instrumental in dealings (worth crores of rupees) in the account opened fraudulently in the name of wife of complainant, in connivance with other bank officials namely Arun Bahri, Aman Chopra and

Sushil, which was not opened by complainant's wife. Transactions were made to utilise the black money of different persons and to convert it into white, by showing the amount as deposited and withdrawn by account holder.

Learned counsel for the petitioner submits that the petitioner had joined the bank in January, 2013 as such, he had no role in the opening of the account in the name of wife of complainant in December, 2012. He was transferred in November, 2014 and the account was closed in the year 2015. Even otherwise, the entire case is based on documentary evidence for which custodial interrogation of petitioner is no more required.

Learned State counsel assisted by learned counsel for the complainant submit that the petitioner was instrumental in making transactions in the account of complainant by signing vouchers/cheques in the name of wife of complainant. He was also verifying those transactions. The release of petitioner on bail will adversely affect the case of the prosecution.

The challan against the petitioner has been presented and he is in custody for the last more than three months. The matter against the other co-accused is still under investigation.

Keeping in view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Sunil Kumar Jha is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit

of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- c. He shall not leave the country without the prior permission of the Court.

July 31, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>