

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

CRM-M No.28619 of 2016
Date of decision: 24th May, 2017

Harbans Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. K.S. Hissowal, Advocate for the petitioner.
Mr. KDS Sidhu, Addl. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

Allegations against the petitioner Harbans Singh in this anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.125 dated 24.12.2015 under Sections 420/409/467/468/471 IPC pertaining to Police Station Boha, District Mansa which has been lodged on the statement of complainant Manager of Cooperative Bank, are that the accused petitioner while posted as Assistant Manager along with his co-accused/non-applicant Rajesh Kumar Sharma, also Assistant Manager, used to fraudulently transfer money from the account of the various account-holders and after drawing interest thereon when the account-holder was to withdraw the amount, would re-transfer it and as a result of which the petitioner made embezzlement of Rs.6,40,000/-

through bogus entries whereas Rajesh Kumar Sharma embezzled an amount of Rs.1,96,700/- and which was also reflected in the cash-book and day-book of the Bank, leading to registration of the present case.

Contentions of learned counsel for the petitioner Mr. K.S. Hissowal, Advocate are that the petitioner has deposited the entire amount so alleged to have been defalcated and that nothing is to be recovered from him and his joining the investigations will suffice the purpose.

Learned State counsel Mr. KDS Sidhu, Additional Advocate General, Punjab has stoutly opposed grant of bail to the petitioner on the grounds that the petitioner being custodian of money of the Bank by virtue of his designation has not only duped the innocent account-holders but has maligned name of the Bank and for comprehensive investigation of the matter, custodial interrogation of the petitioner is very much essential.

Going through the submissions, mere fact that the petitioner has deposited the defalcated amount does not comes to his aid and rather reflects admission of his culpability. Keeping in view that the Banking system which purely works on trust has been maligned by the conduct of the petitioner and the fact that his custodial interrogation would be essential to bring about further such acts committed by him during his tenure in the Bank together with the fact that provisions of Section 438

Cr.P.C. are to be sparingly used, impels this Court to decline the prayer made.

No merit. Dismissed.

(FATEH DEEP SINGH)
JUDGE

May 24, 2017
rps

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