

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-30506 of 2017 (O&M)
Date of decision : 24.10.2017

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Mahender Singh

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Namit Khurana, Advocate for the petitioner

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Mr. Inderjeet Singh, Advocate for the complainant

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by petitioner Mahender Singh, an accused in FIR No. 307 dated 14.6.2017 under Sections 409 and 420 IPC, registered with Police Station City Yamuna Nagar, District Yamuna Nagar.

Briefly stated, the facts of the case as per prosecution story are that HDFC bank had assigned the job of loading cash in ATMs to SECURITRANS INDIA PVT. LTD (for short, the company). The

company had further entrusted the job to Kanwar Pal Singh and Mahender Singh (petitioner). On 5.5.2017 during surprise audit of ATM No. SIANJA12, shortage of Rs.7,43,500/- in cash was detected. On being confronted by the Manager of the company, Kanwar Pal Singh and Mahender Singh pleaded that some time be given to them to check all the ATMs and on 11.5.2017 they informed the Manager that shortage of Rs.29,60,000/- had been found in ATM No. SIANBE24. That shortage was confirmed. Accordingly, Jagmohan Singh Rawat, Manager of SECURITRANS INDIA PVT. LTD lodged FIR with the police. Kanwar Pal Singh was arrested. Apprehending that he would be arrested in this case, Mahender Singh had approached the Court of Sessions for grant of pre-arrest bail, but his such request was declined by Sessions Judge Yamuna Nagar, at Jagadhri vide order dated 8.8.2017, as such he has knocked at the door of this Court craving for grant of similar relief. Notice of the petition was given to the State.

I have heard the learned counsel for the petitioner, learned State counsel, besides going through the record and I find that there is no merit in the petition.

The allegations against the petitioner are very grave and serious that he alongwith his co-accused Kanwar Pal Singh had committed criminal breach of trust with respect to the currency notes given to them for the purpose of loading those in the ATM machines. The accused are specifically named in the FIR. It is also mentioned that both the accused were acting as custodians, having passwords of ATM machines and their keys and they are accountable for the

shortage in the cash. Co-accused of the petitioner has been arrested. Though in the present petition, interim bail was granted to the petitioner and he was directed to join the investigation and he has joined the investigation, but as stated by the State counsel, he has not rendered full cooperation and has not got the embezzled amount recovered. Learned State counsel has contended that both the accused had given in writing to the police admitting their liability seeking some time to pay the said amount. In that way admission on part of petitioner is also there. His custodial interrogation is definitely required for complete and effective investigation of the case. If the same is denied to the Investigating Agency, that would leave many loose ends which is un-called for and would adversely effect the investigation.

Finding no merit in the petition, the same stands dismissed.

(H.S. Madaan)
Judge

24.10.2017

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No