

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

CRM-M No. 34615 of 2016
Date of Decision: 19.04.2017

BHUPINDER SINGH

-PETITIONER

VS

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rajiv Sharma, Advocate for
Mr. K.S. Dhillon, Advocate
for the petitioner.

Ms. Rimplejeet Kaur, A.A.G., Punjab.

Mr. Kiran Kumar, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (ORAL)

Interim protection was granted to the petitioner on 17.10.2016. Thereafter, he joined the investigation but did not cooperate in facilitating recovery. On 30.01.2017, direction was issued to the petitioner to join the investigation and cooperate. Thereafter, on 28.02.2017, last opportunity was granted to the petitioner to join the investigation effectively. The allegations are that after effecting recovery from the customers, petitioner did not deposit the same in the account of the Bank, rather misappropriated the same by issuing fake receipts to the customers.

Learned State counsel on instructions from ASI

Sushil Kumar informs the Court that the bank account of the petitioner has no amount as the amount deposited by him has already been withdrawn. At present, the balance in the bank account is nil.

Prima-facie it appears that after collecting the amount from different customers, the same was not credited in the account of the Bank. By doing so, the petitioner has prima-facie committed the offence for which custodial interrogation is required.

At this stage, learned counsel for the petitioner submits that at one point of time, Bank filed complaints under Section 138 of the Negotiable Instruments Act, 1881 against the loanees and at a subsequent stage, the said complaints have been withdrawn.

At this stage, without meaning anything on ultimate merits of the case, I do not consider this case to be fit enough to grant indulgence in terms of Section 438 Cr.P.C.

Dismissed.

19.04.2017
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No