

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

**Criminal Misc. No. M-34940 of 2017
Date of Decision:-06.10.2017**

Tej Partap Bhatia

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. N.P.S. Kohli, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

FATEH DEEP SINGH J.(Oral)

Learned counsel for the petitioner has placed on record copy of receipt of challan dated 03.10.2017 regarding depositing of Rs.6,98,500/- before the trial Court to show his bonafide.

The allegations against the petitioner Tej Partap Bhatia in this regular bail application under Section 439 Cr.P.C. in FIR No.233 dated 14.11.2016, under Section 409 IPC, P.S. Dera Bassi, District S.A.S. Nagar, Mohali, are that during the posting as Assistant Manager of Punjab & Sind Bank, petitioner managed to withdraw Rs.6,98,500/- from the ATM and when the fraud was detected, present case was got registered against the petitioner and he was arrested on 23.11.2016.

The contentions of petitioner's counsel are that the petitioner is behind the bars since 23.11.2016 i.e. for almost 11 months and in order to show his bona fide he has deposited the aforesaid amount before the trial Court, copy of which is placed on record and insisted that without insertion of three passwords which remains with the Manager, Cashier and the Assistant Manager, and in the absent of even one person, withdrawal of amount from the ATM cannot be possible.

The factual scenario has not been disputed by learned State counsel, who though opposed the grant of bail to the petitioner on the ground of heinousness of offence and seriousness of crime.

Appreciating the submissions and since the financial loss that had been accrued to the bank has been made good by the petitioner who has already undergone the incarceration of about 11 months. The legal issue involved in the matter would be determined during the trial and that the trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner behind the bars, without adverting anything on the merits of the case, the present petition for grant of regular bail is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court.

It is made clear that the observations made herein above shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available evidence on record.

October 06, 2017
Vijay Asija

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No