

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-37728 of 2016

Date of decision : February 22, 2017

Dharmendera Singh

....Petitioner

versus

State of Haryana and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Deepender Singh, Advocate, for the petitioner
Mr. Deepak Sabharwal, Addl. AG, Haryana, for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Dharmendera Singh in this anticipatory bail under section 438 Cr.P.C. are that complainant M/s Write Safe Guard Pvt. Ltd. entered into an agreement with M/s Tata Communication Pvt. Ltd. whereby complainant-company was supposed to put cash in the ATM machines of Tata Indicash as well as to carry on First Line Maintenance Works (FLM) on these machines whereby they were supposed to put cash in such machines for which the petitioner along with his co-accused were deputed being employees of the complainant company. It is as per the procedure that both these employees were provided with different passwords for opening of the vault of the machines. Passwords were provided to both of them independently and separately but were to be operated together. Subsequently, it was revealed that shortage of total cash in ATM machines amounting to Rs 2,14,000/- was found pertaining to faulty transactions between 22.5.2015 to 17.7.2015 as the same was never received by the bank customers on account of certain technical faults in these machines and instead the amount was put into Retract Bin of the

machine and from where the same was to be put back into machine and rather the accused embezzled the same.

The contentions of the counsel for the petitioner is that the petitioner has deposited the amount of Rs 2,14,000/- in the Registry of this Court to show his bonafide and thus, he was entitled to bail as nothing is to be recovered. The same is sought to be opposed by learned State counsel on the grounds that the entire modus-operandi and the gamut of the same pertaining to the other machines so manned by the accused of this case needs to be undertaken for which custodial interrogation is essential.

Appreciating the submissions, in view of the fact that very prestige of banking system by cashless transactions means has been shaken by such a fraudulent and irresponsible conduct of the accused who are employees of the company entrusted with this task and that the entire gamut of the scandal is to be unearthed for which custodial interrogation is required. In view of the seriousness of the allegations and heinousness of the offence and provisions of section 438 Cr.P.C. are to be used sparingly, no ground for grant of anticipatory bail is made out. Accordingly, the present petition is dismissed.

February 22, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No