

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

**CRM No.M-45151 of 2017
Date of decision: 05.12.2017**

Surjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Amandeep S. Gill, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.148 dated 25.09.2017 registered under Sections 420, 409, 467, 468 and 471 of the Indian Penal Code (in short 'IPC') at Police Station Jhabal, District Tarn Taran.

The aforesaid FIR was got registered on the application of Branch Manager, Punjab Gramin Bank Gagobua, District Tarn Taran with the allegations that 03 persons namely Beer Singh @ Veer Singh who died on 10.10.2012, Narinder Singh who died on 09.07.2014 and Swaran Singh who died on 07.02.2014 had obtained loan from the Punjab Gramin Bank and at the time of their death, certain amounts were outstanding towards them. It is further alleged in the FIR that the petitioner approached the legal representatives of these 03 persons and forced them to deposit more amount than the amount which was found outstanding against them and later on, when the said amount was

deposited by their legal representatives, the excess amount so paid was embezzled and withdrawn by the petitioner. Counsel for the petitioner has further submitted that in fact the responsibility of depositing the amount is of the cashier of the Bank whereas the petitioner was Manager of the Bank and, therefore, cannot be solely held responsible for the same. Counsel for the petitioner has relied upon the order dated 26.05.2017 passed in CWP No.6381 of 2017 (Annexure P7) filed by him challenging the order vide which his employer Bank has initiated the departmental proceedings and had issued a charge-sheet and suspended him. Counsel for the petitioner has further relied upon the another order dated 04.10.2017 passed in CWP No.18207 of 2017 (Annexure P8) challenging the validity of the order vide which charges were framed against the petitioner without considering the reply filed by him. A perusal of this order show that the charges against the petitioner are regarding misappropriation of credit balance in the KCC account of the deceased borrower by fraudulently passing payment in the name of deceased borrower and thereafter, withdrawing the same in cash. It is not disputed by counsel for the petitioner that the said proceedings have been initiated after conducting an enquiry by the Bank.

Counsel for the petitioner has also relied upon the enquiry report dated 28.04.2016 by the DSP Sub-Division Tarn Taran verifying the enquiry report dated 09.02.2016 of SHO, Police Station Jhabal, in which it was held that the petitioner has not committed any misappropriation. However, a perusal of this investigation report show that no finding has been recorded in this enquiry that the petitioner has

withdrawn the excess payment made by the legal representatives of the aforesaid 03 deceased persons and the said enquiry relates to 26 other persons.

On the other hand, counsel for the State, on instructions from ASI Rajbir Singh has opposed the prayer for bail on the ground that the allegations against the petitioner are serious in nature as he has firstly forced the legal representatives of 03 deceased persons who have taken the loan from the Bank, to deposit the outstanding amount and when the excess amount was got deposited, the remaining amount was withdrawn by the petitioner which constitute the offence punishable under Sections 409, 420, 467, 468 and 471 IPC primarily.

Counsel for the State has further submitted that this case pertains to the verification of the record and, thus, custodial interrogation of the petitioner is required.

Considering the aforesaid arguments raised by counsel for the parties, I find no merit in the present petition. It has come in the enquiry of the Bank itself that the petitioner has withdrawn the excess amount with intention to embezzle the same and thus, his custodial interrogation is required.

No ground for grant of anticipatory bail is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

05.12.2017

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No