

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGAH

Sr. No. 103

CRM-M-6484-2017

Decided on : 28.02.2017

Rajbir

..... Petitioner(s)

VERSUS

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. S. K. Yadav, Advocate, for the petitioner(s).

DEEPAK SIBAL, J. (ORAL)

Through the present petition, filed under Section 438 Cr. P. C., the petitioner seeks the concession of anticipatory bail in FIR No. 559, dated 29.12.2016, registered under Section 409 and 420 IPC, at Police Station Mohindergarh District Mohindergarh.

The case of the prosecution is that the petitioner has misappropriation cash amounting to Rs. 83,49,500/- from ATM machines installed in the branches of the Punjab National Bank in District Mohindergarh.

The petitioner alongwith one Anil Yadav who were employees of M/s Securitrans India Pvt. Ltd. are alleged to have been entrusted with the duties of replenishment of cash in ATMs of Punjab National Bank, State Bank of India, HDFC Bank and ICICI Bank in District Mohindergarh. They being the appointed custodians were responsible for loading of cash and its accountability in the ATMs. As per rules, every ATM had two secret combination code numbers without feeding of which such ATMs could not be opened. The petitioner and the aforesaid Anil Yadav were given the secret combination code numbers. After demonetization of the old 1000 and 500 rupees notes, on 10.11.2016, as per instructions received by the bank all cash deposits made in the ATMs were to be removed for deposit in the branch.

When such process was adopted, Punjab National Bank found shortage of notes cumulatively amounting to Rs.83,49,500/- in District Mohindergarh. Internal investigations done by the Bank revealed that the notes had been stolen/misappropriated by the petitioner. So far as aforesaid Anil Yadav was concerned, it was found that he, on the asking of the petitioner, had shared the secret identification code with the petitioner as at the time of such sharing of the code he was not aware of the petitioner's intentions. The petitioner took undue advantage of the belief of Anil Yadav and on his own operated and opened ATMs in District Mohindergarh and removed therefrom huge amounts of cash to the tune of Rs.83,49,500/- and then misappropriated the same.

The allegations against the petitioner are of having misappropriated a huge amount of over Rs. 83 lakhs in cash. Such money being public money aggravates the extent of such allegations against him. The cash is still to be recovered. As to what he did with the cash including the mode and manner of disposal thereof, also needs deeper probe. Who all were involved in such disposal of cash, needs to be gone into. The *modus operandi* allegedly adopted by the petitioner for removal of cash from the ATMs, also needs to be further investigated.

In view of the above, I am of the opinion that custodial interrogation of the petitioner is warranted.

Dismissed.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

28.02.2017
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No