

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

CRM-M-9537 of 2017

Date of Decision: March 27, 2017

Radhe Sham

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Mr. J.S. Brar, AAG, Punjab.

FATEH DEEP SINGH, J.

The allegations against the petitioner Radhe Sham in this regular bail application under Section 439 Cr.P.C are that the petitioner is working with the Scientific Security Management Service, Pvt. Ltd. on the post of ATM Custodian. It is alleged that with the announcement of demonetization to get back from the ATM machines old currency notes the accused/officials entrusted with their duty had taken out Rs.1,11,54,000/- from 17 ATMs of State Bank of India and Rs.13,12,700/- from the 08 ATMs of HDFC bank totalling Rs.3,92,77,400/- and instead of depositing the same with the banks usurped on their own.

The contentions of the learned counsel for the petitioner that the petitioner is in custody and that during the relevant period when demonetization took place on 8.11.2016 was on leave attending to his own marriage functions and that inspite of his custodial interrogation nothing has been recovered from him.

The bail application is stoutly opposed on behalf of the State on the grounds that being a custodian of the ATM, the entire plan has been chalked out as a criminal conspiracy and, therefore, seriousness of the allegations disentitles the petitioner to any relief.

The prima facie allegations on the face of it shows astronomical embezzlement by the officials who were entrusted with the running of the ATM machines and that in view of the averments of the State counsel that if allowed bail the petitioner would certainly influence the witnesses and there is nothing to show that the petitioner was on leave throughout and that he had been attending duties as per own record of the petitioner. More so, the apprehension of the State that if allowed bail the petitioner would influence the witnesses is not unfounded. Thus, in view of the seriousness of the allegations and heinousness of the offence no ground to allow the present application is made out.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

March 27, 2017

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