

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

CRM-M-13805-2018

Date of decision:-25.5.2018

Kanwar Pal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.R.S. Budhwar, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Kanwar Pal – an accused in FIR No.307 dated 14.6.2017, under Sections 409, 420 and 120-B IPC, registered at Police Station City, Yamuna Nagar, District Yamuna Nagar.

Briefly stated, the prosecution story is that the HDFC Bank had outsourced the work of putting the cash amount in ATMs to SECURITRANS INDIA PVT. LTD., which in turn had entrusted the job to Kanwar Pal Singh (present petitioner) and Mahender Singh; that during surprise audit of ATM No.SIANJA12 on 5.5.2017, a shortage of Rs.7,43,500/- was detected; that Kanwar Pal Singh and Mahender Singh

were asked to explain the shortage and they sought some time to check all the ATMs; that on 11.5.2017, they intimated Sh.Jagmohan Singh Rawat that shortage of Rs.29,60,000/- had been found in ATM No.SIANBE24; that after verifying the factual position, Sh.Jagmohan Singh Rawat informed the police. Formal FIR was registered. The petitioner was arrested in this case. He had filed an application for regular bail in the Court of Sessions but the same was dismissed by learned Sessions Judge, Yamuna Nagar at Jagadhri vide order dated 7.3.2018, therefore, the petitioner has approached this Court for grant to similar relief.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely involved in this case; that he was not the custodian of ATMs and the keys and password were not within his possession/knowledge.

Whereas learned State counsel has submitted that involvement of the petitioner in the whole scam is there as it came out during investigation of the case and admitted by the petitioner during the investigation, the shortage of cash detected has reached up to Rs.55 lakhs, therefore, the petitioner is not entitled to bail keeping in view the gravity of allegations.

After hearing the rival contentions of learned counsel of the parties, I find that the petitioner is specifically named in the FIR. It is also

mentioned therein that Mahender Singh and Kanwar Pal Singh (present petitioner) were custodians and the password and keys remained with them. It being so, any shortage of cash detected is to be explained by such persons and they cannot simply plead innocence coming up a straight face denying any involvement in the scam. Though learned counsel for the petitioner has contended that one of the co-accused Gaurav Aggarwal has been granted bail by learned Sessions Judge, Yamuna Nagar at Jagadhri but his role in the scam was entirely different. While deciding a question as to whether the petitioner is entitled to regular bail or not, the merits of the case are not to be gone into deeply, rather the considerations are somewhat different i.e. if granted bail whether there are chances of petitioner absconding; chances of his trying to tamper with the prosecution evidence; the control which can be exercised over such accused by the Court; antecedents of such accused etc.

Keeping in view the gravity of seriousness of allegations and the fact that there are fair chances of the petitioner to abscond and trying to tamper with the prosecution, I do not find it proper to grant him concession of regular bail.

Thus, finding no merit in the petition, the same stands dismissed.

25.5.2018

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

(H.S.MADAAN)

JUDGE