

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24194-2017 (O&M)

Date of decision: 10.07.2018

Amarjit Singh

... Petitioner

Vs.

U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Y.S. Rathore, Addl. PP, U.T. Chandigarh.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.152 dated 24.05.2017 under Section 420 IPC, registered at Police Station Sector-34, Chandigarh.

As per allegations in the FIR, the petitioner has deposited a cheque bearing No.002143 dated 17.09.2016 amounting to Rs.32.00 lacs of ICICI Bank, SPS, Chandigarh, which was signed as some other person (P.C. Gupta) with some ulterior motive to defraud with the complainant Bank, to be drawn in his own account in Indian Bank, Sector-45C, Chandigarh. On presentation, the cheque was returned by ICICI Bank with remarks that the signature differs but the amount was wrongly credited in the account of the petitioner by service branch of the complainant bank. It is further alleged that it was in the knowledge of the petitioner that there is no balance in the account of the

petitioner with ICICI Bank, which he has not operating for the last two years. After realizing the aforesaid mistake by the complainant bank, a hold was put in the account of the petitioner and due to this, he could only withdraw an amount of Rs.20.00 lacs but when the bank officials asked the petitioner to return the aforesaid amount, he refused to do the same and has also admitted his guilt.

Learned counsel for the petitioner submits that in pursuance of the order dated 14.05.2018, vide which he has undertaken to deposit the amount of Rs.20 lacs with the Bank, is not complied with, as the petitioner is not willing to deposit the said amount.

It is apparent that due to some mistake by the bank officials, the aforesaid amount of Rs.32 lacs was credited in the account of the petitioner, though the petitioner was not having any legal right to retain the same.

In view of the above, considering the serious allegations levelled against the petitioner, who has already withdrawn an amount of Rs.20.00 lacs out of Rs.32 lacs wrongly credited in his account, the petitioner instead of informing the bank, rather has misutilized the same, therefore, present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

10.07.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No