

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-26176-2016 (O&M)

Date of decision: May 29, 2018

Balbir Singh

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sanjeev Gupta, Advocate for petitioner
(in CRM-M-26176-2016).
Mr. P.S. Ahluwalia, Advocate for the petitioner
(in CRM-M-27885-2016).
Mr. Gautam Dutt, Advocate for the petitioners
(in CRM-M-27017-2016).

Mr. C.L. Pawar, Senior DAG, Punjab.

Mr. Ashwani Prashar, Advocate for the complainant.

Rajan Gupta, J.

This order shall disposed of three petitions i.e. CRM-M-26176-2016, CRM-M-27885-2016 and CRM-M-27017-2016, under section 438 Cr.P.C., filed by petitioners Balbir Singh, Davinder Singh, Joginder Singh and Pawan Kumar respectively, seeking pre-arrest bail in a case registered against the petitioners under Sections 409, 420, 465, 467 and 468 IPC, at Police Station Hajipur, District Hoshiarpur, vide FIR No.34 dated 22.06.2016.

FIR was registered on the complaint made by Mohan Lal, District Manager, Co-operative Bank, Hoshiarpur against the petitioners,

who were working as Assistant Manager in Hoshiarpur Central Co-operative Bank Ltd., Hardokhundpur Branch, alleging that Kewal Singh was working as Secretary in The Kotli Khas Co-operative Agricultural Society. Likewise, Kabal Singh was Secretary in The Channi Nand Singh Co-operative Agricultural Society. Both of them had since been retired. Thereafter, Paramjit Singh was posted in The Channi Nand Singh Co-operative Agricultural Society under The Hoshiarpur Central Co-operative Society Ltd. Hoshiarpur. Allegations against all the aforesaid employees are that they have forged accounts of members of The Kotli Khas Co-operative Agricultural Society as well as The Channi Nand Singh Co-operative Agricultural Society, which were maintained by The Hoshiarpur Central Co-operative Society Ltd., Branch Hardokhundpur. The accused made entries in the loan accounts of the members as 'Nil' and again made entries of advancement of amount. In this way they misappropriated about Rs.2,15,76,126/-. After matter was considered in the meeting of Directors and resolution was passed, instant FIR was lodged against the petitioners. Respondent No.2 Gurbax Kaur, District Manager, The Hoshiarpur Central Cooperative Bank Ltd. Head Office, Hoshiarpur filed her affidavit. Paras 3, 5 & 6 thereof read as under:-

“3. That Shri Beant Singh, Assistant Manager son of Shri Ujagar Singh joined the Hardokhundpur branch on 30.9.2014 and he found some discrepancies in the loan account of the aforesaid 2 societies at the time of advancement of loan as he became suspicious that once loan account of a particular member is not cleared, he cannot be advanced a new loan. On his request the bank got the inquiry conducted through one Accountant, 2. Assistant Managers and one Senior Manager of the bank, which revealed that a total

embezzlement to the tune of Rs.2.15 crores approx. has taken place between the years 2005 to 2014. During these years, all the four petitioners (in three different petitions) were working in the said branch of the bank from time to time.

5. That in the case of Chani society from the year 2005 to 2014 following is the year-wise detail wherein the loan was advanced to the number of members despite the fact that their loan accounts were not cleared:-

S.No.	Year	Number of members	Amount advanced (Rs.)
1.	2005	15	2,77,815/-
2.	2006	29	9,22,907/-
3.	2007	8	2,41,082/-
4.	2008	9	6,83,742/-
5.	2009	18	9,19,447/-
6.	2010	33	16,93,449/-
7.	2001	26	11,03,023/-
8.	2012	11	12,47,282/-
9.	2013	19	16,61,849/-
10.	2014	9	11,43,892/-

Thus, the amount embezzled on this count was Rs.98,94,488/-. During the inquiry it further came out that as per Annexure-E, the amount recovered by the Secretary from the members was Rs.31,32,400/- whereas in the bank only Rs.30,36,590/- was deposited and embezzlement of Rs.95810/- was caused on this account. Thus, the total embezzlement that took place qua Chani Nand Singh Cooperative Agricultural Service Society was Rs.99,90,298/-. Breakup wise the embezzlement of Rs.14,41,804/- took place during the tenure of Joginder Singh, Pawan Kumar and Davinder Singh, Rs.60,75,875/- during the tenure of Balbir Singh, Pawan Kumar and Davinder Singh and Rs.24,72,619/- during the tenure of Pawan Kumar and Davinder Singh. Total of aforesaid 3 figures comes to Rs.99,90,298/-.

6. That the total amount embezzled during the tenure of the 4 accused with regard to the aforesaid 2 Societies comes to

Rs.2,15,76,126/-. The report was submitted to the District Manager of the bank, which was placed before the BOD for consideration and it was decided by the BOD vide resolution No.4 dated 28.09.2015 to lodge an FIR against the 4 accused, which has resulted into registration of FIR No.34 dated 22.06.2016.”

Learned State counsel submits that FIR against the accused was registered after enquiry was conducted by S.P. (HQ), Hoshiarpur. He has referred to the reply filed by way of affidavit of Bhupinder Singh, Dy. Superintendent of Police, Sub Division Mukerian, District Hoshiarpur. Para 4 thereof reads as under:-

“4. That the contents of para No.4 of the petition are wrong and hence denied. The above mentioned FIR was rightly registered against the petitioner and others after an detailed enquiry conducted by SP(HQ) Hoshiarpur. It was found in the enquiry, the petitioner in connivance with others committed embezzlement of Rs.21576126/- in Cooperative Bank Hardokhundpur. The version of the petitioner was found to be false in the enquiry. The detailed reply is given in preliminary submissions.”

Considering the facts and circumstances of the case, I am of the considered view that the petitioners are not entitled to concession of anticipatory bail in this case. Petitioners are alleged to have actively participated in the commission of crime and committed a huge fraud. The investigating agency may require their custodial interrogation for recovery of the amount. I am of the considered view that matter needs a thorough probe, as allegations are serious in nature. It may not be possible to unravel the entire *modus operandi* of the crime, in case petitioners are armed with a

protective order. All the three petitions are without any merit and same are hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 29, 2018
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No