IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr.No.283

CRM-M-43504-2018
Reserved on:22.10.2018
Decided on:23.10.2018

Gurnam Singh

....petitioner

Versus

State of Punjab

.....respondent

CORAM: HON'BLE MR.JUSTICE ARVIND SINGH SANGWAN

Present: Mr.G.B.S.Dhillon, Advocate
for the petitioner

Mr.J.P.Ratra, DAG Punjab

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ARVIND SINGH SANGWAN, J. :

Prayer in this petition is for grant of anticipatory bail in FIR No.295 dated 13.09.2018 under Sections 420/465/467/468/471/120-B of Indian Penal Code, 1860, registered at Police Station Jodhewal, District Ludhiana.

Brief facts of the case are that on receiving a complaint from Additional Superintending Engineer/Operation/Janta Nagar(Spl) Division PSPCL, Ludhiana. The FIR was registered regarding a fraud committed in the PSPCL account by wrongly creating the amount of 25 consumers, who had furnished their affidavits. It is further stated in the FIR that on receiving a complaint an inquiry was committed by In charge Economic

Offence Wing, Ludhiana, and in the inquiry it was found that petitioner Gurnam Singh was posted through SARCO Company in PSPCL Division, Janta Nagar, Ludhiana from July 2015 to August 2016 for imparting training to the employees for depositing the electricity bill online. Later, he was removed by the Department as he committed irregularities and during the period of his posting, the petitioner by showing proximity with the consumers, as detailed in the FIR had obtained cash amount for depositing in their consumer account and later on, by making wrong entries through his relative Rajwinder Singh, internet computer operator in the office of Sunder Nagar Division, Ludhiana, has committed a fraud. It is further stated in the FIR that the petitioner along with his co-accused has even obtained cheques from some of the consumers and instead of depositing the same in their account, by interpolating the entries like the amount of Rs.1444 was changed to Rs.9444 and was credited to the account of some other consumer. It is further stated that similarly some other cheques of the consumers which were with co-accused Vivek Jain, were also misused by the petitioner and other co-accused by showing fake transactions and thus have committed a huge fraud to the PSPCL as well as the consumers from whom the petitioner had taken the amount in cash as well as in cheque. The FIR further stated that the petitioner Gurnam Singh is the first cousin of co-accused Rajwinder Singh who was already an employee of PSPCL and using his expertise in computers, he has committed the fraud by entering the amount against the name of the consumers and then reversed the entries and thus the amount actually taken from the consumer was misused and misutilized. The FIR which is based on an inquiry, has given the details of each and every individual consumer.

Learned counsel for the petitioner has argued that the petitioner was only a contractual employee whose services were procured through a private agency for imparting training to the employees and he was not in charge of the account section where the fraud was committed. Counsel for the petitioner has further submitted that all the affidavits of the consumers are of the same date and after this petitioner was removed from PSPCL, he has been named in this FIR in order to save the skin of the senior officials as he was never posted on the seat of the cashier or in the accounts branch. Counsel further submits that the petitioner had no authority to receive the cash from the consumers and had even no assess to the password and the ID of the official in charge who used to perform the duty of cashier/head cashier.

Learned counsel for the petitioner has relied upon certain documents/bills issued by the PSPCL to submit that the petitioner was not the authorised person.

In reply, learned State counsel has filed the affidavit of Assistant Commissioner of Police (Investigation), Ludhiana and it is submitted that the petitioner is the main accused in the present FIR, who has cheated many consumers. It is further stated in the affidavit that the petitioner was an employee of SARCO Company and was posted in Janta Nagar Division, Ludhiana, to give training to the employees of PSPCL regarding online deposit of bill and in connivance with six other accused persons including Rajwinder Singh who was posted as computer operator had committed the fraud. It is further stated by the learned State counsel that a Special Investigation Team(SIT) has been formed and the modus operandi of the petitioner was that he used the cheque of some consumers to clear bills of other consumers from whom he had taken the money in cash to deposit the electricity bill and both the petitioner and the co-accused Rajwinder Singh had made number of calls to each other during this period. Some instances of the embezzlement as given in the affidavit are reproduced below:

1. *That with regard to connection No.3002893273, the petitioner had taken Rs.18,000/- from one Naresh Rai to deposit the said amount for electricity bill. However, the said amount was never deposited towards electricity bill, rather incorrect entries were put in the record of PSPCL showing that the payment has been made by the consumer. At the time of audit, this fact came to the notice of PSPCL and reverse entry was issued to the consumer. Thereafter, the consumer deposited Rs.29,440/-. The statement showing the fact of incorrect entries and deposit of bill amount by consumer is annexed here Annexure R-1/1.*
2. *That regarding connection No.3003218915, petitioner took amount of Rs.30,000/- from consumer. Fake entries were managed by petitioner in the operating system of PSPCL. Reverse entries were made at the time of audit. Then the consumer again deposited the bill amounting to Rs.30,000/-. The statement showing the said fact is annexed as Annexure R-1/2.*
3. *That regarding connection No.3001937592, petitioner took amount of Rs.53,500/- but did not deposit the amount. The statement showing incorrect entries and deposit of bill by consumer amounting to Rs.53,000/- is annexed as Annexure R-1/3.*
4. *That regarding connection No.3004559645 and 3003250996, petitioner took amount of Rs.80,000/- but did not deposit the amount. The statement showing incorrect entries and deposit of bill by consumer amounting to Rs.1,35,013/- and Rs.29,000/- is annexed as Annexure R-1/4.*

5. *That regarding connection No.3002897791, petitioner took amount of Rs.25,500/- but did not deposit the amount. The statement showing incorrect entries and deposit of bill by consumer amounting to Rs.44,171 is annexed as Annexure R-1/5.*
6. *That regarding connection No.3002894063 petitioner took amount of Rs.3520/- but did not deposit the amount. The statement showing incorrect entries and deposit of bill by consumer amounting to Rs.29,620/- is annexed as Annexure R-1/6.*
7. *That regarding connection No.3002640911, petitioner took amount of Rs.10,210/- but did not deposit the amount. The statement showing incorrect entries and deposit of bill by consumer amounting to Rs.10,210/- is annexed as Annexure R-1/7.*
8. *That regarding connection No.3002897004, petitioner took amount of Rs.10,060/- but did not deposit the amount. The statement showing incorrect entries and deposit of bill by consumer amounting to Rs.15013/- is annexed as Annexure R-1/8.*
9. *That regarding connection No.3002892062, petitioner took amount of Rs.25,400/- but did not deposit the amount. The statement showing incorrect entries and deposit of bill by consumer amounting to Rs.25,400/- is annexed as Annexure R-1/9.*
10. *That regarding connection No.3002959566, petitioner took amount of two bills but did not deposit the amount. The statement showing incorrect entries and deposit of bill along with fine etc. by consumer amounting to Rs.1,15,000/- is annexed as Annexure R-1/10.*
11. *That regarding connection No.3002893891, petitioner took bill amount from consumer but did not deposit the amount. The statement showing incorrect entries and deposit of bill by consumer amounting to Rs.28,000/- is annexed as Annexure R-1/11.*

12.That regarding connection No.300283016 and 3002893916 petitioner took amount of Rs.62,000/- but did not deposit the amount. The statement showing incorrect entries and deposit of bill by consumer amounting to Rs.62,000/- is annexed as Annexure R-1/12.

13.That regarding connection No.3002897801, petitioner took amount of Rs.21,380/- but did not deposit the amount. The statement showing incorrect entries and deposit of bill by consumer amounting to Rs.21,380/- is annexed as Annexure R-1/13.

14.That regarding connection No.3002959990, petitioner took amount of Rs.85,000/- but did not deposit the amount. The statement showing incorrect entries and deposit of bill by consumer amounting to Rs.1,85,000/- which includes above said amount is annexed as Annexure R-1/14.

15.That regarding connection No.3002959355, petitioner took amount of Rs.25,000/- but did not deposit the amount. The statement showing incorrect entries and deposit of bill by consumer amounting to Rs.1,19,331/- which includes above said amount is annexed as Annexure R-1/15.

16.That regarding connection No.3002893207, petitioner took amount of Rs.2700/- but did not deposit the amount. The statement showing incorrect entries and deposit of bill by consumer amounting to Rs.5000/- is annexed as Annexure R-1/16.

17.That regarding connection No.3001945945, petitioner took amount of Rs.6000/- through one blank cheque but did not deposit the amount. The statement showing incorrect entries and deposit of bill by consumer amounting to Rs.5950/- is annexed as Annexure R-1/17.

18.That regarding connection No.3002895761, petitioner took amount of Rs.54,000/- but did not deposit the amount. The statement showing incorrect entries and deposit of bill by consumer amounting to Rs.95050/- by separate entries is annexed as Annexure R-1/18.

19.That regarding connection No.3002960019, petitioner took amount of Rs.69,800/- but did not deposit the amount. The statement showing incorrect entries and deposit of bill by consumer amounting to Rs.96,506/- by separate entries is annexed as Annexure R-1/19.

20.That regarding connection No.3002892456, petitioner took amount of Rs.28,000/- but did not deposit the amount. The statement showing incorrect entries and deposit of bill by consumer amounting to Rs.20,000/- is annexed as Annexure R-1/20.

Learned State counsel has also drawn the attention to the various documents as stated in the affidavit to submit that during the period, the petitioner was working in the PSPCL, many times in the account of the consumers, the amount was entered and then reversed, which shows that just to convince the consumers he used to deposit the amount in their account. Later on, the petitioner along with his co-accused used to reverse the entries and thus he has committed huge fraud and his custodial interrogation is required.

I have heard learned counsel for the parties.

There are serious allegations against the petitioner that he has misused the password and ID of others and has obtained huge amount in cash as well as cheque and has deposited the same in the account of other persons. Learned counsel for the petitioner could not give any satisfactory reply as to why 25 consumers would file their affidavits against the petitioner and therefore the custodial investigation of the petitioner is required.

Thus, I find no ground to grant the anticipatory bail to the petitioner in FIR No.295 dated 13.09.2018 under Sections 420/465/467/468/471/120-B of Indian Penal Code, 1860, registered at

Police Station Jodhewal, District Ludhiana.

The petition stands dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

23.10.2018
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Whether speaking/reasoned Yes/No.
Whether reportable- Yes/No