In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 44221 of 2018
Date of Decision: 13.12.2019

Lovejeet Singh .....Petitioner

Versus

State of Punjab .....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. N.S.Shekhawat, Advocate
for the petitioner.

Mr. Sarbjit Singh Cheema, AAG, Punjab.

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HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition, the petitioner seeks anticipatory bail in case FIR No. 134 dated 21.8.2018, registered under Sections 408 IPC, Police Station Sultanwind, District Amritsar.

Prosecution story, in brief, is that Bikram Singh, Senior Officer (Operations) Writer Safeguard Pvt. Ltd. made a complaint to Commissioner of Police alleging that Pargat Masih, Lovejeet Singh (petitioner) and Daljit Singh were working on the post of Teller Machine Operator and their duty was to get the money from the bank and put the same in ATM machines and they had the password for opening and closing the ATM. It has been alleged that on 27.2.2018, Rs. 15,35,000/- was found to be less in ATM ID NCIP0874 (Yes Bank), Shop No. 58, Circular Road in front of Shri Guru Ramdass Hospital, Amritsar and on that day, Pargat Masih and Lovejeet Singh (petitioner) were on duty. It has also been alleged that on 14.3.2018,

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Rs. 2,16,000/- was found less and on that day, Pargat Masih and Daljit Singh were on duty and thus, total Rs. 17,51,000/- was found less in the said ATM.

As per learned counsel for the petitioner Hitachi Payment Services had contracted for filing currency notes of different denominations in the ATM of Yes Bank and the said company further authorized the work to Writer Safeguard Pvt. Ltd. and the petitioner was working with Writer Safeguard Pvt. Ltd. as Operator since 16.6.2016. He further submits that every operator has to download a computer application in his mobile phone with the permission of the company after obtaining the password from the Regional Officer to operate the said machine as four digit password are given to two operators each and when two operators feed their four digit password, only then the machine opens to fill the cash. Before and after operating the machine, print outs of the status of existing currency notes were taken and the photos of the said printouts are sent to Writer Safeguard Pvt. Ltd. through mobile phone and original printout were handed over to complainant Bikram Singh. He further submits that the petitioner had adopted proper procedure while operating the machines on 23.2.2018, 26.2.2018 and 28.2.2018 and has been operating the same for the last four years.

Learned State counsel filed the status report by way of affidavit of Assistant Commissioner of Police, South, Amritsar City which is taken on record. As per the report, the petitioner has joined the investigation on 5.12.2018 but did not cooperate with the investigating agency. Cash request was sent by the petitioner by showing excess amount of withdrawal and has, thus, committed criminal breach of trust with the company and his custodial

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interrogation is required to recover the cash.

I have heard learned counsel for the petitioner and the learned State counsel.

There are specific allegations against the petitioner that while working as Teller Machine Operator, the petitioner has the digital password and has the responsibility of operating the ATM and he was on duty with co-accused Pargat Masih when Rs. 15,35,000/- was found less and both of them had four digit passwords. Being part of their drill, they did not click the photo of statements from the ATM while depositing cash and further did not update the software. The petitioner was entrusted heavy amount for putting the same in the ATM machine and by not putting the same in the machine, the petitioner has committed criminal breach of trust with the company by showing excess amount of withdrawal. Custodial interrogation of the petitioner is required.

No ground for grant of anticipatory bail is made out.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

December 13, 2019
Gurpreet

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

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