

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26484-2019

Date of decision: 05.07.2019

Shanker Dev Puri

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.1131 dated 08.11.2018 under Sections 409, 420, 467, 468, 471, 477-A, 120-B IPC, registered at Police Station Sadar, Hisar.

As per allegations in the FIR, Shanker Dev Puri, General Manager, Head Office, Serva Haryana Gramin Bank, Branch Office, Rohtak, while posted as Branch Manager, Neoli Kalan Branch during January, 2016 to June, 2018 sanctioned and disbursed as cash credit hypothecation Limits for the purpose of Furniture Making and his business carried on by them at Tallian Pull, Hisar to the borrowers against their personal guarantee and hypothecation of stock with details as Rs.60.00 lakhs on 24.05.2015 to Ajay Kumar son of Lajpat Rai, resident of 512 PLA Hisar, Rs.55.00 lakhs on 03.03.2017 to Atul Kumar son of Lajpat Rai, resident of 508 PLA Hisar, Rs.30.00 lakhs on 26.10.2017 to Sunil Kumar son of Virbhan resident of 518 PLA Hisar. It was

observed in July, 2018, after the transfer of said officer that loan accounts were not being operated as per the banking terms and norms, as the sale proceeds were not deposited in the loan accounts and the balance outstanding exceeded their credit limits. The bank officials visited the given place of business at pull Tellian and contacted each of the borrowers. The stock of hypothecated goods was not available with any of the borrower nor they could give any satisfactory account or whereabouts in respect thereof. After many visits, all of them denied having taken any loan from the bank or having executed the loan documents. The borrowers have earlier to the loan, their respective Saving bank accounts were at the branch in their individual names. They confirmed having opened the account at the instance of relative Sh. S.D. Puri, who obtained from each of them photo, driving licence etc. and signatures on printed forms making them believe to open the Jan Dhan account. On perusal of the loan accounts and saving bank accounts of Ajay Kumar and Atul Kumar, it was observed that the loan amount at different periods was withdrawn from the loan account, transferred to saving Bank accounts and thereafter, siphoned to the Saving Bank Account of their branch at Jindal Chowk, Hisar in the name of Mrs. Sangeeta Puri wife of Sh. S.D. Puri. The bank officer and Sunil made cash withdrawals at different occasions at short intervals. The complainants have examined and considered the entire episode from all possible aspects. Sh. S.D. Puri being incharge and responsible as Branch Manager did not observe the banking instructions and complied with the usual, normal and ordinary procedure for sanction and disbursement of loan to the borrowers. Complainant Vinod Kumar Singal, Manager, Serva Haryana Gramin Bank, Neoli Kalan Branch got lodged the FIR.

Learned counsel for the petitioner submits that the petitioner is in custody since 15.02.2019 and even an amount of Rs.38.00 lacs has been deposited with the Bank. It is further submitted that the petitioner is first offender, challan stands presented, offences are triable by the Court of Magistrate and it will take some time in conclusion of the trial and the petitioner is no more required for custodial interrogation.

Learned State counsel, on instructions from ASI Ram Singh, has however submitted that an amount of Rs.34.00 lacs stands deposited with the Bank, challan has been presented and charges have been framed on 19.04.2019.

As per the custody certificate filed in the Court today, the petitioner is not involved in any other case and is in custody for the last 04 months and 17 days.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than 04 months; he is not involved in any other case; offences are triable by the Court of Magistrate; charges have been framed and it will take long time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

05.07.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No