IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46394-2019
Date of decision: 05.11.2019

Chander Narula **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. P. S. Ahluwalia, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. *(Oral)*

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 139 dated 18.09.2019, under Sections 409, 420, 465, 468 and 471 of the IPC, registered at Police Station Gidderbaha, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that the present FIR was registered at the instance of Sh. Raj Kumar Arora, DGM, Oriental Bank of Commerce with the allegations that the petitioner was posted as Assistant Manager in the said Bank and along with other employees has committed a fraud of Rs. 72,66,198/- by misusing the user IDs of the other employees of the Bank.

Learned counsel for the petitioner has submitted that the Bank, from time to time, has issued Instructions/Circulars directing the employees to be vigilant about any fraud being committed by using their user IDs.

Learned counsel for the petitioner has further argued that even the Vigilance Department of the Bank has also issued instructions to check the vouchers manually and to submit reports from time to time.

Learned counsel for the petitioner further submitted that the allegations pertain to the year 2016 to 2019 and with regard to some of the vouchers, it has come in the investigation that the same are not available.

Learned counsel for the petitioner has further argued that since the sister of the petitioner is also an employee of the same Bank, on a declaration in her handwriting, the petitioner was made to sign that he has committed the offence by misusing the user IDs of other employees of the Bank.

Learned counsel for the petitioner has next argued that initially a complaint was given against nine Bank officials including petitioner, however, the petitioner has been cited as a main accused, though some senior officers are also involved in the cheating and misappropriation of the amount.

Learned counsel for the petitioner has lastly argued that in fact the petitioner has been made a scapegoat on account of the fact that he has highlighted the fraud in the Bank by making a complaint to Ministry of Finance, Department of Economic Affairs, New Delhi.

In reply, learned State counsel, on instructions from ASI Bal Singh, has, however, opposed the prayer for grant of anticipatory bail to the petitioner.

Learned State counsel has argued that during the in house inquiry, conducted by the Bank, the petitioner has admitted that he has committed the fraud with the Bank by misusing the user IDs of fellow employees of the Bank and has even paid Rs. 19 Lakh to the Bank admitting his guilt.

It is further argued that the petitioner, being an employee of the Bank, was assigned the duty of loan advancement and was also working as Field Officer and during that process, he has misused his position and cheated the Bank of Rs. 72,66,198/-.

It is further submitted that the remaining amount is yet to be recovered and the custodial investigation of the petitioner is required as the police wants make a thorough investigation about the involvement of other bank officials.

After hearing learned counsel for the parties, I find no ground to grant the concession of anticipatory bail to the petitioner as there are serious allegations of cheating and mis-utilization of public money against him.

The petitioner, during in house inquiry, has admitted his guilt and has deposited an amount of Rs. 19 Lakh but has refused to deposit the remaining amount. In the inquiry, it is found that the petitioner has forged and fabricated the official records with an intention to cheat his employer-Bank and has committed the criminal breach of trust. Hence, the custodial investigation of the petitioner is required to further probe the modus operandi adopted by him and also to make a thorough investigation about the involvement of other bank officials.

In view of the above, finding no ground to grant anticipatory bail to the petitioner, the present petition is hereby dismissed.

05.11.2019 **(ARVIND SINGH SANGWAN)**
Waseem Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*