**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CRM-M-53085-2018 (O&M)
Date of Decision:-25.1.2019

Satwinder Kaur … Petitioner

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. K.K.Goel, Advocate for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. Parveen K.Kataria, Advocate for complainant.

*****

**GURVINDER SINGH GILL, J.**

The petitioner Satwinder Kaur seeks grant of anticipatory bail in a case registered against her vide FIR No.216 dated 14.10.2018 under Sections 406, 409 and 420 of IPC at Police Station Jandiala, District Amritsar.

The FIR was lodged at the instance of Ashu Garg, Cluster Head, HDFC Bank Ltd. wherein it has been alleged that one of their Relationship Manager Mr. Shivam informed Sh. Amardeep Chawla, Branch Manager that he had received information from Central Team that there were some credit transactions from HDFC Asset Management Company in Satwinder Kaur's account against which no corresponding debit transactions were observed in her account. Upon scrutiny of documents pertaining to transactions concerned, the Branch Manager Amardeep Chawla found that the code mentioned in the documents is of Relationship Manager Shivam but the said

Relationship Manager confirmed that he was not aware about the said transactions and does not even know Satwinder Kaur. It was found that the investments were made in the name of Satwinder Kaur and refunds were processed in favour of Satwinder Kaur. The Branch Manager called Satwinder Kaur on the registered mobile phone, which was attended by a male who disconnected the phone abruptly, leading to suspicion. Upon further inqruries, it transpired that said Satwinder Kaur was wife of Mandeep Singh who was working as Branch Manager in Bundala Branch of HDFC. Inquiries further revealed that as and when the amount is withdrawn or transferred from the account of Satwinder Kaur, the same is transferred into the account of Mandeep Singh maintained with ICICI Bank. During further investigation and upon contacting the customers of the bank, it was revealed that they had been told by Mandeep Singh that amount is being invested in Fixed Deposits with the Banks and demand drafts were prepared whereas in fact they were defrauded as no such FDRs were ever made in lieu of the amount debited from their account.

The learned counsel for the petitioner has submitted that in fact it is a fraud committed by her husband Mandeep Singh with whom she was having matrimonial discord and had already filed a petition seeking divorce and that he had been cheating customers while using her account and she has no role to play in the entire scam. The learned counsel, in this context, has drawn the attention of this Court to a copy of divorce petition filed by the petitioner which has been annexed as Annexure P-2 with her bail application.

Opposing the petition, the learned State counsel has submitted that the transactions of huge amounts have been carried out in the bank account of the petitioner and the same could not possibly have been carried out without her knowledge inasmuch as whenever any transaction is made, an intimation is also sent to the customer through SMS on mobile phone and that the petitioner was availing of the said SMS intimation service from the bank.

The learned State counsel has further submitted that filing of divorce petition is merely a ploy in order to build up a defence that she is not in league with her husband whereas in fact during investigation, it had transpired that her husband had availed paternity leave from 11.12.2017 to 17.12.2017 on account of a son having been born to them on 10.12.2017. The learned State counsel has today filed a status report by way of affidavit of Shri Gurmeet Singh, DSP, Amritsar wherein the aforesaid facts have been specifically deposed. It has further been deposed therein that Mandeep Singh had also filed Privilege Leave thereafter from 18.12.2017 to 31.12.2017 and had also claimed maternity expenses of the petitioner incurred on her medical treatment at Aggarwal Nursing Home and Multi-Specialty Hospital, Amrtisar from 9.12.2017 to 12.12.2017.

The learned State counsel has also drawn the attention of this Court to various account statements annexed with the aforesaid affidavit pertaining to bank account of Satwinder Kaur, which indicate large number of transactions effected in the bank account of the petitioner. The learned State counsel has submitted that the transactions run in crores and that in fact an amount of ₹ 73 lacs approximately had also been transferred from the aforesaid account to the account of her husband Mandeep Singh and that in these circumstances, it cannot be said that the petitioner is innocent and has no idea about the said transactions.

Having considered rival submissions addressed before this Court and from perusal of the account statement of the petitioner, annexed with the affidavit/reply filed by the State, it is evident that huge amount had been transferred into the account of the petitioner for which there is no valid or justifiable explanation and that from the said account, amount to the tune of ₹ 73 lacs had also been transferred to the account of the petitioner's husband on various occasions. The contention of the petitioner that all this was done without her knowledge and that she has already filed a divorce petition apparently appears to be an afterthought as the facts stated in the affidavit belie the contention of the petitioner that she was not getting along with her husband.

In view of the enormity of the scam, this Court does not find any special reason for grant of anticipatory bail.

There is no merit in the petition and the same is hereby dismissed.

**25.1.2019** **(Gurvinder Singh Gill)**
kamal **Judge**

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