

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

CRM-M-23255-2020(O&M)

Date of decision: 24.09.2020

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. Amit Mehta, Senior DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 134 dated 21.08.2018 registered under Section 408 IPC (Section 465, 467, 468, 471 and 201 IPC were added later on), at Police Station Sultanwind, District Amritsar.

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the present case on the basis of the complaint made by his senior. On perusal of the FIR, it appears that the complainant himself had committed the fraud. The petitioner was working as operator in the Company.

He further submits that as per the prescribed procedure, two operators collect cash from the Bank and take the same in a Cash Van,

wherein a Guard and a Driver are also present. Every Operator has to download a computer application (APP) in his/her mobile with the permission of the Company. Before filling cash in the ATM Machine, the operator alongwith his companion has to obtain a password from his Regional Office for operating the ATM Machine. The ATM Machine opens up with a eight digit password, out of which 4 digits of password are given to two operators and after applying the same the ATM Machine opens up. Before opening and closure of ATM Machine after filling the currency notes, it is mandatory to take print out of the status of the existing currency notes in the Machine. Thereafter, the operator has to fill up the proforma in the APP and has to click photos of both printouts and send the same to the Company and original printouts are to be handed over to the complainant. Again on 28.02.2018, cash was filled in the ATM Machine by the petitioner and this process continued upto 05.04.2018. It is further contended that the petitioner has been in custody for the last 6 months.

It is submitted that as per the prescribed procedure, if there is any default on the part of the petitioner, then his services should be terminated on the next day. However, petitioner's continuance in the service upto 05.04.2018 clearly indicates that there was no default on his part.

Learned State counsel has not disputed the fact regarding the custody period of the petitioner. However, he submits that there are specific allegations against the petitioner and co-accused regarding embezzlement of Rs. 17,15,500/- as they had filled in less amount in the ATM Machines. They have to click photographs of slips pertaining to status of currency notes before and after filling currency notes in the ATM Machines but they did not

do so. Out of 19 prosecution witnesses, none has been examined so far. It is contended that the petitioner has committed a criminal breach of trust and hence, he does not deserve the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last 6 months. The challan has been presented but the charges are yet to be framed. Though the case is at the stage of evidence, yet the trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

24.09.2020

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No