

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-33837-2019 (O&M)

Date of Decision:- 22.1.2020

Gurdev Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bhriugu Dutt Sharma, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Gurdev Singh has approached this Court seeking grant of regular bail in a case registered vide FIR No.211, dated 16.11.2018, registered at Police Station Shahkot, District Jalandhar, under Sections 419, 420, 465, 467, 468, 471, 120-B IPC.
2. The FIR in question was lodged at the instance of Baldev Raj, Manager, Punjab National Bank, Malsian, District Jalandhar, wherein it has been alleged that one Balwinder Singh had been maintaining a Savings Account with Malsian Branch of Punjab National Bank since the year 1988 and had been operating the same from time to time.

His daughter Ms. Harjinder Kaur had been appointed as nominee of the said account holder. It is alleged that on 23.4.2018 aforesaid Harjinder Kaur made a written complaint that somebody had withdrawn amount from the savings account of her father when her father was in fact not even present in India and is staying in Philippines. Upon receipt of the said information the bank authorities conducted the requisite verification and it transpired that an amount of ₹19,65,000/- has been withdrawn from three different branches of the bank at Malsian, Shahkot and Nakodar. It further came to be known that the petitioner had impersonated as Balwinder Singh and had got the money withdrawn. It is also stated therein that the bank also suspects that Harjinder Kaur might have connived with petitioner-Gurdev Singh for the purpose of commission of the offence in question as messages which were regularly been sent in respect of the transactions were being sent to the phone issued in the name of Harjinder Kaur's mother and that Harjinder Kaur would have access to the said phone number.

3. Learned counsel for the petitioner has submitted that he has been falsely implicated in the present case and that in fact the amount in question had been received by the complainant on account of there being an agreement for sale of property of the complainant and in fact when the transaction did not materialize, the amount in question was returned back to the petitioner.
4. The learned State counsel while opposing the petition has submitted that since the identity of the petitioner is not disputed as CCTV

footage clearly shows the petitioner to have operated the account in question and that in fact the petitioner also admits having received the amount in question, no case for grant of bail is made out. Learned State counsel has however informed that the petitioner has been behind bars since the last more than 9 months and till date not even a single PW out of the cited 16 PWs has been examined.

5. Having regard to the facts and circumstances of the case and bearing in mind the aforesaid custody period and also that conclusion of trial is likely to take some time, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Gurdev Singh is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

January 22, 2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No