

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19501-2021 (O&M)
Date of decision: 27.10.2021

Rajender Kumar

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.34 dated 09.04.2021 under Section 409 IPC, registered at Police Station City Banga, District SBS Nagar.

While granting interim anticipatory bail to the petitioner, following order was passed by this Court on 17.05.2021: -

“...Learned counsel for the petitioner submits that as per allegations in the FIR, registered on 09.04.2021, it is stated that petitioner, while posted as Branch Manager of Allahabad Bank at Banga in the year 2017, had made certain dubious transactions by

using the bank's internal accounts and some amounts were transferred in his son's and daughter's account, whereas some TDS amounts were transferred in the accounts of some other persons and later on, they were reversed.

Learned counsel further submits that the FIR has been registered after a gap of about four years and the petitioner has already been placed under suspension on 13.02.2020 with the allegations that he has made suspicious transactions by debiting customers/BGL accounts and crediting newly opened fictitious accounts from where the money was transferred to his family members' accounts on various dates.

Learned counsel further submits that petitioner is already facing a departmental inquiry and has already filed his reply to show cause notice, in which he has explained that some transactions occurred due to system fault on a particular date.

Learned counsel further submits that allegation of transferring an amount of Rs.11,17,767/- has already been made good by the petitioner by depositing back a sum of Rs. 11,70,000/- along with interest, which shows that petitioner had no intention to misappropriate the amount or cheat the bank.

Learned counsel further submits that petitioner is ready to join investigation and explain the manner in which the transactions had taken place.

Learned counsel relies upon an order dated 22.05.2020

passed by this Court in CRM-M-12053-2020, vide which, in similar circumstances, an employee of the bank, who was placed under suspension for making some wrong entries and an FIR was registered, was granted concession of anticipatory bail noticing the fact that he has already been placed under suspension and has deposited the amount with the bank, therefore, the investigation, based on documentary/electronic evidence, did not require his custodial investigation.

Learned counsel further submits that even in this case, the petitioner is ready to join investigation as the entire allegations are based on the bank records.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State and opposes the bail on the ground that there are serious allegations against the petitioner and it is submitted that out of various persons named in the FIR, it is the petitioner who has been found guilty of commission of offence during the preliminary investigation, on the basis of which, the present FIR was registered.

However, learned State counsel could not dispute the fact that entire amount along with interest, i.e. Rs. 11,70,000/-, stands redeposited with the bank and the petitioner is facing departmental inquiry and has been placed under suspension...”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the aforesaid fact and states that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the order dated 17.05.2021 passed by this Court, vide which interim anticipatory bail was granted to the petitioner, is hereby made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

27.10.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No