

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

Sr.No.206

CRM-M No.27514 of 2021

Date of Decision: 18.08.2021

Lalit Mahajan

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Dheeraj Mahajan, Advocate,
for the petitioner.

Ms. Samina Dhir, Deputy Advocate General, Punjab
for the respondent.

Mr. Vivek Salathia, Advocate
for the complainant.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.128 dated 25.06.2021 registered at Police Station Kathu Nangal, District Amritsar, under Sections 420, 409 IPC, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the allegations, as levelled in the subject FIR, are that the petitioner, who was the Branch Manager of HDFC Bank, Pakharpura, obtained two cheques worth Rs.4 lacs and Rs.3 lacs, i.e. total Rs.7 lacs from Palwinder Singh and Sukhwinder Kaur on the pretext of the payment of the premium towards their insurance policy but instead of utilizing these cheques for the said purpose, he misappropriated the said amount.

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Status-report filed on behalf of the respondent-State, by way of the affidavit of Deputy Superintendent of Police, Sub-Division Majitha, District Amritsar Rural and forwarded by learned State counsel to this Court through email, is taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel and learned counsel for the complainant in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner did not commit any fraud nor misappropriated the amount of the cheques as issued by the above-named persons towards the payment of the premium of their insurance policy and rather, he had deposited the same in their respective Bank accounts and he has also referred to Annexure P-3, i.e. the copy of the letter purported to have been written by another Bank customer named Jaswinder Kaur to the effect that the amount of Rs.7 lacs, which had, inadvertently, been credited to some other account, had been credited back in her account and he further contends that this document also shows that the petitioner has been falsely implicated in this case and in these circumstances, he deserves the relief as prayed for in this petition.

Per contra, learned State counsel as well as learned counsel for the complainant argue that the petitioner had actually encashed the above-said two cheques and had misappropriated the amount so withdrawn instead of paying the premium of the said insurance policy and the Bank has also terminated his service after conducting a detailed inquiry in the present matter and the custodial interrogation of the petitioner would be required for

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eliciting the true facts qua the crime in this case and it being so, the present petition deserves dismissal.

The above-said two cheques are alleged to have been obtained by the petitioner from Palwinder Singh and Sukhwinder Kaur on the pretext of the payment towards the premium of their insurance policy. As specifically mentioned in para No.11 of the said status-report, both the cheques were encashed by the petitioner and when Sukhwinder Kaur moved a complaint to the Head Office of the Bank in this regard, he (petitioner) transferred the amount of Rs.3 lacs and another amount of Rs.4 lacs in her account from the account of said Jaswinder Kaur and thereafter, both the entries were reversed on the same day. It has been further mentioned in para No.12 therein that the CCTV footage also corroborates the above-mentioned facts. In such circumstances, the said letter Annexure P-3 is also of no avail to the petitioner to seek the relief of anticipatory bail.

Keeping in view the afore-discussed facts and circumstances and also the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he does not deserve the relief of anticipatory bail. Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of this case.

18.08.2021

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Whether speaking/reasoned Yes

(MEENAKSHI I. MEHTA)

JUDGE

Whether Reportable No