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

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CRM-M-51632-2018
Date of Decision: 03.12.2021

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Anand Rathi

..... Petitioner

Versus

State of Haryana

..... Respondent

CRM-M-10219-2019

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Amit Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Gopal Sharma, Advocate,
for the petitioner (in CRM-M-51632-2018).

Mr. Arav Gupta, Advocate,
for the petitioner (in CRM-M-10219-2018).

Mr. Naveen S. Panwar, DAG, Haryana,
for the respondent/State.

Mr. Namit Kumar, Advocate,
for the complainant.

SUDIP AHLUWALIA, J. (ORAL)

These are two petitions for anticipatory bail filed on behalf of the petitioners under Section 438 Cr.P.C. in case FIR No.251 dated 11.05.2017, under Sections 409, 420 & 120-B of the IPC, registered at Police Station Gannaur, District Sonipat.

[2]. Both the petitioners happen to be posted as Postal Assistants under the establishment of the Superintendent of Post Office, Sonipat. The

FIR was lodged by Sh. D.V. Saini, the Superintendent of Post Office, Sonipat Zone, in which, it was alleged that the petitioner in CRM-M-51632-2018, namely, Anand Rathi in his capacity as the Postal Assistant/Sub Post Master, Gannaur City, Sonipat from 29.05.2013 to 23.06.2016 had misused the closed accounts of different depositors of different Post Offices, which were got opened while transferring them online, and with the assistance of the other petitioner in CRM-M-10219-2019, namely, Amit Kumar, who was employed as the Department System Manager, misappropriated huge amount of money running up to several lacs of rupees, which were fraudulently got disbursed to certain other employees/Postal Assistant in pursuance of their own conspiracy. The details of as many as 38 such old accounts which were assigned fresh C.B.S. Numbers, from which, subsequently illegal payments were got disbursed, have also been mentioned in the original FIR.

[3]. Contention of both the petitioners in this regard is that they have been maliciously and falsely implicated in this false case, since the scheme to Centralize the Postal Department of India (CBS) i.e. to convert all the Postal Departmental Accounts online using the Finacle Software required the Superintendent, as well as the Post Master of the Head Post Office of the Postal, to check, verify and issue the cheques towards the beneficiaries whereas the role of the petitioners in their capacity as Postal Assistant was simply to do the clerical work by way of preparation of the cheques, etc.

[4]. It may be mentioned that both the petitioners were granted interim bail at the initial stages by a Co-ordinate Bench of this Court after which they joined the investigation. However, on 23.11.2021, Ld. State

Counsel submitted that custodial interrogation of the petitioners was required in the interest of investigation, since a huge amount of public money had been illegally siphoned off.

[5]. This Court, therefore, directed the production of Police Record to apprise itself about the fraudulent documents allegedly issued by/imputed to the petitioners.

[6]. In this regard, an Affidavit opposing the bail prayer of the petitioner Anand Rathi has been filed, which was sworn by the Superintendent of Post Offices, Sonipat Division, Sonipat, besides various other documents.

[7]. This Court has also gone through Police Investigation Case Diary and finds that there is sufficient material to link the petitioners with the offences imputed to them. For example the account of one Smt. Raj Bala, which was officially closed way-back on 14.01.2014 after disbursal of an amount of ₹54,001/- to her, is seen to have been reactivated by way of transactions amounting to ₹49,800/- which amount was subsequently is credited elsewhere on 07.05.2016. The Official Email ID of the petitioner Anand Rathi is clearly shown to have been used for the purpose of this and several other similar transactions when, in the given circumstances, only he could have been aware of the password to open his Email Account. The allegation against the petitioner Amit Kumar is of having assisted the petitioner Anand Rathi with details of the various closed accounts which were subsequently got illegally revived, and wrong payments from Government Funds were disbursed by way of those accounts to the other accomplices of these accused persons.

[8]. Suffice it to say, at this stage that there does appear to be

sufficient incriminating material to link the petitioners with the offences alleged to have been committed by them and the recovery of a lot of money disbursed illegally at their behest is yet to be effected. In fine, the situation does require custodial interrogation of the petitioners at this stage.

[9]. Consequently, their prayer for anticipatory bail is dismissed and the protection granted to them by the Co-ordinate Bench earlier by way of interim bail is now withdrawn.

[10]. Dismissed.

03.12.2021 **(SUDIP AHLUWALIA)**
Bhumika **JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No