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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-37791-2021
Date of Decision: 26.10.2021

Pardeep Kumar @ Pradeep Kumar

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Agnihotri, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.95 dated 22.06.2021 under Sections 409, 420 and 120-B IPC registered at Police Station Ding, District Sirsa. He apprehends his arrest at the hands of Police in the FIR.

The above FIR was lodged on the basis of a written complaint given by complainant C.J. Khurana, Regional Manager, Sarav Haryana Gramin Bank, R.P. Fatehabad. As per allegations, the branches of Sarav Haryana Gramin Bank in District Sirsa fall under the supervision of the complainant whose regional office is at Fatehabad and accused Pardeep Kumar is serving as Office Assistant at Darbi Branch, whereas Amanjot Singh is the Assistant Manager. For the last 2-3 months, Assistant Manager was operating Darbi Branch because Branch Manager, namely, Rajender Singh was sick. On 29.05.2021, Amanjot Singh telephonically informed the complainant that Pardeep Kumar, Office Assistant has committed fraud and a complaint in this regard has been submitted to the Superintendent of Police. The head office had also appointed K.L. Jindal, Senior Superintendent as Inquiry Officer, who in his report concluded that both the above employees have embezzled a sum of Rs.83,08,000/- by fraud.

Learned counsel for the petitioner has argued that the petitioner was working as Office Assistant and as per Inspection and Audit Division Circulation No.26/2021, dated 31.05.2021 (Annexure P-7), the Office Assistant is authorized to deal with the withdrawal of amount upto Rs.50,000/- and any amount beyond the said limit would require permission from the officer higher in rank. According to him, the case of the prosecution is based upon documentary material, therefore, the custodial interrogation of the petitioner may not be necessary, as he is willing to join the investigation. He submits that the petitioner is not involved in any other case much less of similar nature, therefore, he be granted the concession of anticipatory bail.

The prayer is opposed by learned State counsel, who has submitted that the offences are serious and the petitioner participated in commission of crime. He has referred to the status report filed by way of affidavit of Sanjay Kumar, HPS, Deputy Superintendent of Police, Sirsa and drew the attention of the Court to the departmental enquiry report and submitted that in the departmental enquiry involvement of the petitioner and his co-accused, namely, Amanjot Singh for committing fraud/embezzlement of approximately Rs.83,00,000/- is established. He submits that they misused the accounts of the customers of the bank and caused wrongful loss to the complainant bank. Mr. Parmar, learned State counsel has highlighted that the petitioner used to enhance the operative limit of the account holders and would also change their mobile numbers so that the information regarding transaction in the account may not reach the customers. He has drawn the attention of the Court to one such account held by Chhinder Pal s/o Lal Chand and submitted that the accused officials enhanced the borrower's operative limit from Rs.46,000/- to Rs.16,80,000/-, whereas the account had a sanction maximum limit of Rs.68,000/-. Thereafter, the accused transferred a sum of Rs.16,35,000/- from the said account to another account of Des Raj s/o Mahanga Ram without the permission of the borrower. He has further pointed out that in all these transactions, both the accused persons, namely, Pardeep Kumar (petitioner) and Amanjot Singh (Assistant Manager) used their user IDs to change the mobile phone numbers of the account holders, without their consent. It is further pointed out that from the said account of Des Raj, a sum of Rs.16,28,000/- was withdrawn in cash by using the withdrawal slip purportedly containing his thumb impression, but in fact no such amount was withdrawn by Des Raj. He submits that there are multiple such transactions by the accused, who made wrongful gain by using the accounts of innocent customers of the bank, therefore, the custodial interrogation of the petitioner is necessary to recover the missing record of the withdrawal slip. He prays that the petition be dismissed.

After hearing the learned counsel for the parties, this Court is *prima facie* of the opinion that as per the prosecution, the petitioner (Pardeep Kumar) and Amanjot Singh were the only two officers, who were Incharge of the said branch of the complainant bank and the material changes as alleged in the account holders account were carried out by them by using their own user ID. Each of these two officers have verified the documents prepared by themselves to carry out the illegal changes in the account details of the customers, who after transfer of the amount, made cash withdrawals and also removed the withdrawal slips from the bank record, therefore, this Court without expressing any opinion on the merits of this case, does not find it to be a fit case for extending extraordinary concession of pre arrest bail to the petitioner, as his custodial interrogation appears to be necessary.

Dismissed.

(MANOJ BAJAJ)
JUDGE

26.10.2021
Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No