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

CRM-M-474-2022

Date of decision : 03.03.2022

Mahender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Navneet Singh, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.493 dated 08.12.2021 registered under Sections 409, 419, 420 of the Indian Penal Code, 1860 at Police Station City Mohindergarh, District Mohindergarh.

On 01.02.2022, this Court had passed the following order:-

“CRM-2729-2022

Allowed as prayed for.

Annexures P-3 to P-5 are taken on record subject to all just exceptions.

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Learned counsel for the petitioner inter alia contends that in the present case, the petitioner was posted as a Clerk in the Agriculture Development Bank, SBI, Mohindergarh

and his duty was to make entry of the vouchers / data of purchase of any fixed assets made for the bank or its employees and it was only the Manager / Chief Manager who had the authority / power to authorize the payments. It is submitted that the petitioner neither had any role in the purchase of the fixed assets nor had the power to authorize such payments and had only entered two vouchers/ entries, out of the 14 entries / vouchers in dispute. It is further submitted that no loss has been caused to the Bank inasmuch as the alleged amount of Rs.84,60,399/- has already been recovered by the Bank and the payment with regard to the same has been made by one Rahul and for substantiating the same, reference has been made to the receipt Annexure P-5. It is further submitted that the said Rahul, from whom recovery has been made, has not been made as accused in the present case.

Notice of motion.

On advance notice, Mr.Praveen Bhadu, AAG, Haryana, appears and accepts the notice on behalf of the State of Haryana.

Learned State counsel is directed to file a status report in the present case on the next date of hearing.

Adjourned to 03.03.2022.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 01.02.2022, the petitioner has joined

the investigation.

Learned counsel for the State, on instructions from SI Ashwani Kumar, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 01.02.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 01.02.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

03.03.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No