

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23773-2022

DATE OF DECISION: JUNE 1, 2022

KARAMBIR @ KANEER

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. NITIN SHARMA, ADVOCATE FOR THE PETITIONER.
MR. ANMOL MALIK, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.121 dated 20.5.2021, under Section 379, 409, 420, 467, 468, 471, 120-B IPC, Police Station Sadar Dadri, Charkhi Dadri, who is in custody since his arrest on 9.10.2021.

As per the allegations levelled in the FIR by complainant Sarla, she and her son namely Vijay were maintaining Saving Accounts in Sarva Haryana Gramin Bank, Imlotha bearing accounts Nos.80061900008035 and 80061900018715 respectively. On dated 11.05.2021, the complainant alongwith her son namely Vijay, visited Haryana Gramin Bank to withdraw some money, but they came to know that sufficient funds were not available in their respective accounts. They contacted the Manager of the bank but he did not give any satisfactory reply. Later-on, they came to know that on 08.04.2021, 12.04.2021 and 15.04.2021, a sum of Rs.6,00,000/- were withdrawn from her account and on 03.04.2021, an amount of Rs.8,00,000/- was withdrawn from the account of her son, namely, Vijay which were in

some other accounts. Thereafter, complainant came to know that bank Manager Surajbhan and Cashier Jagjeet in connivance with other staff members have committed the embezzlement of Rs.14,00,000/-. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that as per allegations in the FIR, the co-accused of the petitioner who is the Bank Manager, namely, Surajbhan and Cashier Jagjeet, had illegally withdrawn money from the accounts of the complainant as well as her son and caused wrongful loss to them. According to him, the petitioner has been implicated as the money was transferred in the account of the petitioner who is an illiterate labourer and was not aware of this illegal activity being done by the bank officials. He has drawn the attention of the Court to the order Annexure P-2 whereby similarly situated co-accused, namely, Sandeep has been released on bail. He prays for bail as the investigation is over.

On the other hand, learned State counsel assisted by ASI Rakesh Kumar while opposing the aforesaid prayer argued that the petitioner withdrew an amount of approximately ₹8 lakhs which was deposited after withdrawal from the accounts of the complainant and her son. However, according to him, the case of the co-accused Sandeep is distinguishable as lesser amount was deposited in his account. He on instructions further states that the trial has commenced and one prosecution witness has been examined out of total

Considering the above background and the custody of the petitioner, and the fact that charges have been framed and only one prosecution witness has been examined, the further detention of the

petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

June 1, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No