IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-47491-2022
Reserved on: 15.11.2022
Pronounced on: 17.11.2022

SUSHIL KUMAR ...Petitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amit Thakur, Advocate, for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.272 dated 17.11.2021, registered under Sections 420, 467, 468, 471, 204 and 120-B IPC, at Police Station Pillu Khera, District Jind.

Learned counsel for the petitioner submits that the petitioner, who had been working as Clerk in State Bank of India since 2010, has falsely been involved in the present case; that the petitioner discharged his duties with utmost sincerity, honesty and had an unblemished record; that, rather, the petitioner himself is a victim of the criminal conspiracy being hatched by the Bank's senior officials in order to save their skin; that, as per the prosecution version, there was a bank account in the name of Savitri Devi wife of Rameshwar (stated to have expired on 11.05.2008), having Rs.42,55,082/- as a credit balance; that, since the account remained inoperative for about 10 years, the same had been categorized as 'dormant' and that as per the prosecution version, the amount lying in

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the said account is alleged to have been withdrawn in cash by the petitioner along with the other co-accused. He further submits that upon an enquiry by the Bank, it was found that product of the account of Savitri Devi was changed and made operational by one Gaurav Indora; that, on the basis of the forged documents, the amount was transferred from HATT Road Safidon Branch to Pillu Khera Branch on 28.05.2019 and that the petitioner is alleged to have illegally withdrawn the said amount from 10.06.2019 to 15.09.2020. Still further, it is submitted that the petitioner has never been posted at Safidon Branch, where the account of Savitri Devi exists and that all these facts indicate that the petitioner has nothing to do with the alleged occurrence and has only been made a scapegoat to protect the real culprits.

Learned counsel for the petitioner further submits that even as per the investigation, the cheque book of the account of Savitri Devi, was applied for on 10.06.2019 from the ID (Identity Document) of Rajiv Ranjan, Bank Manager and on the same day, Rs.100/- was withdrawn from the account. He further submits that the petitioner had just performed his official duties while disbursing the cash and that too was done after a proper verification, under the supervision of the Branch Manager, Pillu Khera Branch and that the petitioner did not forge the signatures of Savitri Devi on any of the documents and thus, there is no act of omission of commission on the part of the petitioner in discharging his official duties. He further submits that the petitioner has been in custody since 31.05.2022 and after investigation, the challan has already been presented and thus, the further incarceration of the petitioner is not justified.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel submits that the petitioner had actively participated in the occurrence, inasmuch as, he being the Cashier along with the co-accused, after the death of

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Savitri Devi on 11.05.2008, had withdrawn the amount of Rs.46,30,000/- from her bank account and that too by forging her signatures and that after the arrest of the petitioner, an amount of Rs.50,000/- was recovered from him. He further submits that initially an amount of Rs.100/- was withdrawn on 10.06.2019 and since, there was no objection to the said withdrawal, the petitioner had withdrawn the remaining amount on different occasions and the last withdrawal was made on 15.09.2020 from ID No.5681014, which is in the name of the petitioner. Still further, it is submitted that though the account of Savitri Devi was classified as 'Dormant', yet on an inquiry of the said account, it was found that the same remained in operation for about 84 days and sometimes, in a single day 7 to 8 transactions were made. .

I have heard the learned counsel for the parties.

There are serious and specific allegations against the petitioner. The petitioner by using his ID (Identity Document) withdrew a huge amount from the account of Savitri Devi (since deceased), which admittedly was classified as 'dormant', and being inoperative for years together. Merely because the petitioner has been in custody since 31.05.2022 is no ground to grant him the concession of regular bail.

The general public has an undying and everlasting faith in the Banking system and they deposit their hard earned money in the Banks, considering the same as a safe destination. However, when the very employee of a Bank starts doing cheating with the customers, the same reminds one of the saying `nothing can be safe when the fence start eating the crop’. Thus, being the custodian of the public money, the petitioner was ordained with utmost honest conduct, but he has breached the same. If the people like petitioner, are enlarged on bail, the same would defeat the very fiduciary relationship. Still further, setting the petitioner free, would further set a bad example

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and would rather give oxygen to the fraudsters. Hence, the petitioner does not deserve to be enlarged on regular bail.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

(HARNARESH SINGH GILL)
JUDGE

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Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No

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