

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

CRM-M-50903 of 2022

Date of Decision: 11.11.2022

Shiv Kumar

...Petitioner

Versus

State of Punjab

...Respondents

CORAM:HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Piyush Sharma, Advocate,
for the petitioner

Mr. G.S.Sandhu, DAG, Punjab.

ASHOK KUMAR VERMA, J.

Through this petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.101 dated 12.10.2022 under Sections 420, 408, 468, 471, 120-B of the IPC registered at Police Station Ghall Khurd, District Ferozepur.

Learned counsel for the petitioner, *inter alia*, submits that the allegations against the petitioner in the FIR are that the petitioner while working as a Cashier and the other co-accused Bharat Chopra while working as Branch Manager have authorised two withdrawal entries out of the account of Mangat Rai Manchanda on 13.09.2022 and 14.09.2022 and in this manner the amount of Rs.4,97,000/- was withdrawn from the account of Mangat Rai Manchanda, who has already died and that amount was later on got recovered from the petitioner and the same was deposited in the aforesaid account of Mangat Rai Manchanda. When the bank authorities started enquiring the matter, both the petitioner and the other co-accused stopped coming to the Bank. During investigation it was found

that the CCTV footage of the relevant time was missing from the bank.

Learned counsel for the petitioner further submits that from the bare perusal of the FIR itself, it transpires that it is a case of no loss to anybody as the amount of Rs.4,97,000/- has already been recovered from the petitioner and has been duly deposited back in the account of Mangat Rai Manchanda (since deceased). He further submits that the case is based on the documentary evidence and nothing is to be recovered from the petitioner and as such his custodial interrogation is not necessary. The petitioner is already ready and willing to join investigation..

Notice of motion.

On the asking of the Court, Mr. G.S.Sandhu, DAG, Punjab accepts notice on behalf of the State of Punjab.

Learned counsel for the State vehemently opposes the grant of anticipatory bail to the petitioner on the ground that the offence against the petitioner is serious in nature and his custodial interrogation is required.

I have heard learned counsel for the parties and gone through the paper-book.

Admittedly, as per the version in the FIR itself, the amount of Rs.4,97,000/- has been recovered from the petitioner and has been duly deposited back in the aforesaid account which meaning thereby that nothing is to be recovered from the petitioner and as such his custodial interrogation is not required.

Considering overall facts and circumstances of the present case, this petition is disposed of with a direction to the petitioner to join investigation and remain present for investigation, as and when called for.

In the event of his arrest, the petitioner shall be released on bail on

furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the conditions as specified under Section 438 (2) Cr.P.C. In case the petitioner fails to adhere to the terms and conditions as envisaged in this order, the State would always be at liberty to revive this petition by filing an application in this regard.

(ASHOK KUMAR VERMA)
JUDGE

11.11.2022

MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No