

SUSHIL KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Akshay Jain, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

1. On 23.01.2023, the following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.151 dated 24.12.2022 registered under Sections 420/406/467/468/471/120-B/506/34 IPC at Police Station Kotwali, Nabha.

Learned counsel for the petitioner contends that Parshotam Dass Vats, the complainant was an account holder in the State Bank of India. He availed internet banking facility by submitting a request under his own signatures. The allegations are to the effect that he had submitted an application dated 09.09.2019 (Annexure P-3) to the Chief Manager of State Bank of India for stoppage of the internet banking facility. Subsequently, the amount of Rs.19,56,000/-, Rs.9,75,000/- and Rs.2,50,000/- has been withdrawn through internet banking on 24.09.2019, 25.09.2019 and 26.09.2019 respectively. The amount has been allegedly withdrawn by Parjinder Kumar @ Shiv Kumar, the co-accused who is the adopted son of the complainant. It has been further submitted that there is nothing to indicate that the application dated 09.09.2019 (Annexure P-3) vide which the request was made for stoppage of internet banking facility was ever submitted in the bank records. The application does not indicate that any endorsement has been recorded thereon with regard to the receipt of the said application. The internet banking is still operational in the account even after the lapse of almost

about more than 03 years. The petitioner is working as Deputy Branch Manager, Scale III Officer in the State Bank of India and he was not authorized to unilaterally stop the internet banking facility.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of the respondent-State.

Mr. Vasu Ranjan Shandilya, Advocate has put in appearance on behalf of the complainant and filed power of attorney, which is taken on record.

Adjourned to 11.05.2023.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

- 2. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of interim directions.
- 3. Learned State counsel has not disputed the aforesaid factual aspects and also submits that the petitioner has joined the investigation and his custodial interrogation is not required.
- 4. In view of the aforesaid submissions, the order dated 23.01.2023, granting interim bail to the petitioner is made absolute.
- 5. The petition is allowed.

11.05.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No