2023:PHHC:062017

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-17122-2023 (O&M)
Date of Decision:-1.5.2023

Rattan Mohan … Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. I.S. Saggu, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Balbir Chand.

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FIR No.	Dated	Police Station	Section/s
67	11.5.2018	Lopoke, District Amritsar	7, 13 (C) of Prevention of Corruption Act and 420, 409, 120-B of Indian Penal Code

GURVINDER SINGH GILL, J.

1. The petitioner seeking grant of anticipatory bail in respect of the aforementioned FIR.

2. The allegations broadly pertain to misappropriation of amount from the Central Cooperative Bank, Branch Office, Lopoke, Amritsar. It is alleged that the petitioner, who was working as Branch Manager in the aforesaid bank, in connivance and conspiracy with officials of 'Kotla Doom Multipurpose Cooperative Society Limited, Tehsil Ajnala, District Amritsar' had committed

large embezzlement/misappropriation and several irregularities in the loan accounts of the members of the society. It was found that 229 members of the said society had availed various kinds of loans, total amounting to Rs.4,08,28,228/- from Central Cooperative Bank, Branch Office, Lopoke, Amritsar. During the course of inquiry, 21 members of the society denied having raised any loan, although in the record, it was shown that a loan amounting to Rs.25,11,013/- had been advanced to them. The said amount is alleged to have been embezzled/misappropriated by Manjit Singh, Secretary of the society. The allegations are further to the effect that another 24 members to whom loans had been advanced did not even reside within the area of operation of the society and could not be traced. Four such members, who had already expired, were also found to have been disbursed loans. Another 31 members of the society alleged that although they had been advanced loans totaling an amount of Rs.68,77,868/- but the amount shown against their names was much higher than the amount, which they had received. Another 62 members alleged that they were not aware at all about advancement of any loan. As many as 21 members of the society had been advanced loans without obtaining any revenue documents in the shape of '*Jamabandi*' etc. As many as 23 members of the society were found to have been advanced loans much in excess of their entitlement on the basis of ownership documents furnished by them. During the course of inquiry, it was also found that stock of fertilizer and pesticide equivalent to the cash available is not present in the society. Manjit Singh, Secretary and Rattan Mohan (petitioner), Branch Manager of the bank, were found guilty of embezzlement and having created serious irregularities by misusing their powers in advancement of loans.

3. Status report by way of affidavit of Shir Parvesh Chopra, P.P.S., Deputy Superintendent of Police, Sub-Division Attari, Amritsar (Rural) has been filed by learned State counsel, which is taken on record.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the matter pertaining to advancement of loans is initiated and dealt with by several other officials of the bank before the same is put up before the Accountant, Branch Manager (petitioner) and that it was not the duty of petitioner to have physically verified the addresses of the applicants or their properties. It has further been submitted that several of the allegations have been found to be false inasmuch although it is alleged that 4 dead persons had been advanced loans but the said position was not found to be totally correct.

5. On the other hand, learned State counsel has submitted that having regard to the colossal amount defrauded by the petitioner in connivance with the officials of 'Kotla Doom Multipurpose Cooperative Society Limited, Tehsil Ajnala, District Amritsar', no leniency is warranted and that the petitioner being the Branch Manager of the bank cannot feign ignorance about the fraud committed in the bank.

6. This Court has considered the rival submissions addressed before this Court.

7. A perusal of the FIR would show that specific allegations have been levelled against the petitioner. The petitioner was posted as Branch Manager of the Central Cooperative Bank at the relevant time, when various irregularities were committed in the matter of advancement of loans. Though it can be accepted that the petitioner was not expected to physically inspect the properties furnished by the applicants at the time of submitting applications

for advancement of loans but the fact that in several applications no revenue documents were found to have been annexed at all and in some cases, the loans were advanced much in excess of the properties furnished as security and in some cases even the persons not residing within the jurisdiction of the society/bank had been extended loans, could not have gone unnoticed. The fraud of this magnitude could not have taken place right under the nose of the petitioner and it is clear that the entire scam had taken place with the active connivance of the petitioner, who was posted as Branch Manager in the Bank in question.

8. In view of the aforesaid discussion, this Court finds that it is a case where custodial interrogation of the petitioner would be required to unearth finer details of the *modus operandi*. No special case is made out for grant of anticipatory bail. The petition is sans merit and is hereby dismissed.

1.5.2023 **(Gurvinder Singh Gill)**
pankaj **Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No