

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-26426-2023

Date of decision: 18.07.2023

Gourav Saini

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Arun Gosain, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Naresh Jain, Advocate
for complainant Sukhveer Kaur.

Mr. Tejeshwar Singh, Advocate
for complainant Beant Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.131 dated 16.04.2023 under Sections 406, 420, 465, 467, 468 and 471 of the IPC and Section 24 of the Immigration Act registered at Police Station City Kharar, District SAS Nagar.

2. Learned counsel appearing for the petitioner *inter alia* contends that the petitioner, who is working in IndusInd Bank, Branch Daun, Tehsil Kharar, has been falsely implicated in the instant case for allegedly conniving with co-accused Harjit Singh @ Gurjit Singh by opening two bank accounts in the names of both the complainants, without their knowledge. It has been asserted that the very fact that the complainants had been depositing their cheques and doing various transactions from those accounts falsified the prosecution version. It

has further been contended that the petitioner had not derived any benefit, much less monetary, through the bank accounts allegedly opened in the name of the complainants by him. Learned counsel submits that the petitioner is willing to join investigation and cooperate with the investigating agency.

3. On the last date of hearing, in view of the submissions made by learned counsel for the petitioner, the State as well as learned counsel for the complainant had been put to notice.

4. Learned counsel appearing for the State assisted by learned counsel for the complainant have vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that the petitioner who was an employee of Indusind Bank, Daun Branch, colluded with co-accused Harjit Singh @ Gurjit Singh by opening two bank accounts in the name of complainants Beant Singh and Sukhveer Kaur respectively. Both the complainants were not even present when the bank accounts were opened nor had they supplied or filled in the requisite documents; wrong addresses were mentioned by the petitioner in the applications for opening of bank accounts and the mobile number given in those applications was of none other than the petitioner. Co-accused Harjit Singh @ Gurjit Singh thereafter deposited ₹35 lakhs in those bank accounts, received by him from the complainants on the pretext of sending the daughter of the complainant abroad. Furthermore, the petitioner manipulated the bank transactions by disbursing personal loan in the sum of approximately ₹5 lakhs in the account of complainant Beant Singh, and thereafter withdrew the said amount after conspiring with co-accused. Learned counsel submits that

it was thus evident that the petitioner had actively participated in cheating the complainants and playing a fraud upon them as it was he who had verified the Aadhaar Cards, PAN Cards, etc. of the complainants. Learned State counsel prayed for the custodial interrogation of the petitioner in view of the serious allegations and role played by him in the crime in question.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Prima facie there are specific and serious allegations levelled against the petitioner of having connived with co-accused and not only cheated but played a huge fraud upon the complainants for which he does not deserve the extraordinary concession of anticipatory bail as his custodial interrogation in the case would be necessary.

7. Accordingly, the instant petition is dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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