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

CRM-M- 53488-2021 (O&M)
Date of Decision: 25.01.2023

Pawandeep Kaur

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Sunil Chadha, Senior Advocate with
Mr. Saurav Kanojia, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

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DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail pending trial under Section 439 Cr.P.C. in case FIR No. 233 dated 06.11.2021, under Sections 409, 120-B IPC (Sections 167, 201, 465, 467, 468, 471 added lated on vide order dated 23.02.2022) registered at Police Station Jagraon, Ludhiana Rural.

As per the allegation leveled in the FIR, a complaint was received from ICICI Bank, Main Branch, Jagraon through Mahinder Singh against Harish Sharma and Ankita to the effect that on 07.9.2020, a anonymous complaint was received by the Senior Management alleging fraudulent activities at the Jagraon Branch. Internal check was initiated and it was found that a cheque book was issued from Jagraon Branch in the bank account of one NRI customer, Ramneek Toor on 18.5.2020 by Abhishek Walia. From the said cheque book, three cheques were utilized to withdraw Rs.14,20,000/- from the account of the customer between 15.6.2022 to 7.9.2020. Two cheques were also found missing from the branch and the signatures on the remaining cheques did not match with the signatures of the customer. On checking of camera clippings, it was found that the customer was not available during the transactions and the said cash was collected by the petitioner from Ankita sitting handling the Teller Counter and handed over the same to Branch Manager Harish Sharma.

Mr. Sunil Chadha, learned Senior counsel assisted by Mr. Saurav Kanojia, Advocate submits that it is a case of absolute false implication of the petitioner in the present FIR. It is argued that the petitioner was not an employee of the ICICI bank rather she was an employee of the ICICI Prudential Life, which is altogether a separate wing and that neither there is any evidence available in the shape of any CCTV footage to show that the petitioner herself ever collected any cash nor to prove that she filled up any form or cheque to withdraw the alleged amount. Even the petitioner to show her bona-fide, gave her specimen signatures/handwriting for comparison with the writing on the cheque in question. It is also argued that even in the complaint on the basis of which, present FIR came to be registered, all allegations of cheating, conspiracy, breach of trust and dishonest misappropriation of property are only against Harish Sharma and Ankita but not against the petitioner herein . Despite that Harish Sharma was not arrayed as one of the accused at the time of registration of the said FIR, whereas the petitioner who has no role to play, has been falsely implicated therein. He further submits that the co-accused namely, Abhishek Walia against whom the allegation is that he got the cheque book of Ramneet Toor issued through his ID, has approached this Court seeking anticipatory bail through CRM-M-49305-2021 and has been granted interim bail vide order dated 10.12.2021. He also submits that the teller-Ankita (co-accused) has already left the country.

Learned Senior counsel also refers to the order dated 31.01.2022 passed by this Court, wherein the petitioner was granted an interim bail of four weeks after taking into consideration the following observation :-

> *"An affidavit was filed by the DSP Jagraon, District Ludhiana through e-mail. Since the matter is being taken up through video conferencing, a print out of the same is taken on record.*
>
> *A perusal of the affidavit would show that the same seems to be self contradictory. On the one hand, it has been stated that there was no cash movement and on the other hand, it has been stated that the petitioner has taken cash and given to the Manager Harish Sharma. Furthermore, it is also stated that as per the CCTV clippings, Manager Harish Sharma had taken money from the counter."*

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature but does not dispute the fact that in FIR No. 135 dated 20.07.2021, the petitioner has been granted interim bail by this Court on 31.01.2022 and she has never misused the same and in FIR No. 18 dated 01.02.2011, the petitioner has already been acquitted.

I have heard learned counsel for the parties.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, she would hamper the course of free and fair trial. Further, since the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind the bar.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

25.01.2023
seema

Whether speaking/reasoned	***Yes***
Whether Reportable	***Yes /No***