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

203

CRM-M-2225-2024
Decided on: 14.02.2024

Navdeep Singh ...Petitioner

Versus

State of Punjab …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Karandeep Singh Sidhu, Advocate for the petitioner.

Mr. Gurpartap S. Bhullar, Asst. AG, Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
138	28.11.2023	Mallanwala, District Ferozepur	420, 465, 467, 468, 471, 409, 120-B IPC and Section 13 of Prevention of Corruption Act 1988

1. The petitioner apprehending arrest in the FIR captioned above, had come up before this Court under Section 438 CrPC seeking anticipatory bail by filing the present petition.

2. Vide order dated 16.01.2024, the petitioner was granted interim bail, which is continuing till date. When the matter was listed on 05.02.2024, interim order was extended when petitioner voluntary stated that to prove his honesty, he will declare his assets as well as of his spouse and would not claim such declaration as self incrimination, violation of Article 20/21 of Constitution of India or any other fundamental right/law. Today i.e. 14.02.2024, petitioner's counsel submits that he has voluntarily complied with the order dated 05.02.2024.

3. Prosecution's case is taken from the reply dated 01.02.2024, which reads as follows:-

> "That above said case FIR No.138, dated 28.11.2023, Under Section 420/465/467/468/ 471/409/120-B IPC and Section 13 of Prevention of Corruption Act, Police Station, Mallanwala, District Ferozepur has been registered against two accused namely Surinder Pal Singh, Branch Manager and Navdeep Singh (petitioner), Accountant after a comprehensive enquiry into the application No.415-Special PC, dated 04.04.2022 moved by Kulwant Singh, Assistant Manager, conducted by S.

Jagir Singh, PPS, Deputy Superintendent of Police, Special Crime, Ferozepur. In his above said application, the complainant Kulwant Singh had alleged that during the audit of the bank which was conducted w.e.f. 01.04.2019 to 31.03.2020 by the Senior Auditor, a doubt was raised against accused Surinder Pal Singh, Branch Manager and Navdeep Singh (petitioner) Accountant of the Bank regarding embezzlement of amount of Rs.72,69,697/-. Accordingly, an enquiry was conducted by the team of the Bank consisting of Tejbir Singh Sandhu, Senior Manager, Harmeet Singh, Assistant Manager, Amritpal Singh, Assistant Manager and Paramjeet Kumar, Accountant, who submitted their report dated 01.10.2021, wherein it was found that both the accused including petitioner Navdeep Singh have embezzled Rs.72,69,697/- of the bank. The complainant further stated that everything is mentioned in the above said enquiry report such as name of the account holder, name of debtor, amount and how did the amount has been embezzled. The complainant requested that from the audit report, the enquiry report of the bank team, voucher, copies of cheques of account holders, photocopies of RTGS vouchers, statements of account holder, copies of mortgage reports by Patwari and No Objection Certificate which has been issued by accused, copies of Death Certificate of debtors, copies of Jamabandies of the debtors etc., legal action be taken against the accused including petitioner Navdeep Singh.

3. That while taking into count sensitivity of the matter, Senior Superintendent of Police, Ferozepur got conducted an enquiry into the said complaint through Jagir Singh, PPS, Deputy Superintendent of Police, Special Crime, Ferozepur, who joined both the accused including petitioner Navdeep Singh and concerned officials of the bank in the enquiry; recorded their statements and also obtained concerned record of the case from the bank. The enquiry officer thoroughly examined the enquiry reports No.454, dated 01.10.2021 and No.1103, dated 23.03.2021 conducted by the officers of the Audit Team of the Bank and found the following material facts against the accused including the petitioner Navdeep Singh:-

i) The payments of Rs.63,09,589/- of RCC Accounts are not as per the rules of the bank.
ii) Extra interest of Rs.35,830/- has been shown to be given to Saving Accounts by giving interest variance.
iii) Embezzlement of Rs.3,74,200/- has been committed by showing addition of wrong legal charge in the Loan accounts.
iv) Accused at their own level have changed the interest on the savings, fixed deposit and loan accounts, then the amounts have been deposited in different accounts after debiting the Int-paid accounts. The total embezzlement of Rs.5,25,275/- has come to light. v) During the enquiry by the Bank team, embezzlement of more amount had come to light, but after realization of some recovery, total embezzled amount stands at Rs.72,69,967/-.

vi) From the enquiry reports and audit reports of the bank officials, it has been revealed that on 03.02.2017 vide DC- 1062, an amount of Rs.3,51,000/- has been shown debited from the Loan Account No.051715131000065 of debtor Sohan Singh and the same has been credited in the Account No.05173400001100107 of Jagdish Singh and on 08.02.2017, an amount of Rs.3,50,000/- was transferred by Manager, Surinder Pal Singh in his Account vide SDC-23358 from the Account of Jagdish Singh.

vii) On 31.12.2018 vide DC-282, an amount of Rs.7,00,000/- was initially transferred from Account No.051715131000191 of debtor Sardool Singh in Account No.051734028000309 and thereafter, on the next day, vide SDC-47485, this amount of Rs.7,00,000/- was transferred by Manager/accused Surinder Pal Singh, in his own account, but no voucher in this regard is present in the record.

viii) On 05.08.2016, an amount of Rs.8,60,000/- has been withdrawn vide cheque No.153469, but the cheque bears cutting in the amount of Rs.8,60,000/-. Moreover, signatures of loanee do not match on the file, which shows that the Manager, Surinder Pal Singh himself put these signatures. Apart from this, some more money has been either transferred or withdrawn in or from the Accounts of debtors by putting forged signatures and embezzlement has been committed.

4. That after conducting a detailed inquiry, the enquiry officer S. Jagir Singh, Deputy Superintendent of Police, Special Crime, Ferozepur vide his enquiry report No.66-PC/Reader/DSP/PBI/Special Crime, dated 02.08.2023 concluded that from the year 2012 to 2020, accused Surinder Pal Singh remained posted as Assistant Manager and accused Navdeep Singh (petitioner) remained posted as Accountant in The Ferozepur Central Cooperative Bank Limited, Branch at ThathaDalel Singh, District Ferozepur. The Team of Senior Auditor of Ferozepur Cooperative Bank Limited, Ferozepur had conducted the audit of this Branch from April, 2019 to March, 2020 and an amount of Rs.72,69,967/- in respect of credit limit of farmers was found embezzled. Accordingly, the enquiry officer vide his detailed enquiry report found truth in the allegations levelled by complainant against the accused including petitioner and recommended for registration of FIR Under Section 420,409,465,467,468,469,471,120-B IPC against them. Thereafter, legal opinion of Deputy District Attorney (Legal), Ferozepur was sought, who vide his legal opinion dated 21.11.2023 opined that as per the facts and circumstances, the offence is based on continuity of offence, series of events, criminal conspiracy, forgery, cheating, misappropriation, criminal breach of trust and misconduct and found prima facie case for registration of FIR Under Section 420/465/467/468/471/409/120-B IPC and Section 13 of Prevention of Corruption Act, Police Station, Mallanwala, District Ferozepur, which resulted into registration of above said FIR against both the accused including present petitioner Navdeep Singh.

5. That after registration of the FIR, on 20.01.2024, petitioner Navdeep Singh has joined the investigation in compliance of order dated 16.01.2024 passed by this Hon'ble Court. Best efforts are being made to arrest the remaining accused Surinder Pal Singh and raids are also being conducted in this regard, who is still absconding.

6. That so far as the specific attribution of petitioner Navdeep Singh in the commission of offence is concerned, it is respectfully submitted that petitioner Navdeep Singh being Accountant of the complainant bank in connivance with co-accused Surinder Pal Singh, Branch Manager have jointly committed embezzlement of Rs * 0.72 ,69,697/ with complainant bank by using their IDs and passwords with an intention to cause wrongful financial loss of such a huge amount to complainant bank and its account holders and wrongful gain to themselves. From the investigation conducted so far, it has been revealed that embezzlement of above said amount has been made from the Bank IDs and Passwords of the petitioner Navdeep Singh as well as other co-accused Surinder Pal Singh, the then Branch Manager of the Bank which are strictly confidential and no other person, except petitioner Navdeep Singh, can operate the same. The embezzlement of such a huge amount pertains to the years 2019 to 2020 and petitioner Navdeep Singh was posted in the said Branch from the years 2012 to 2020. Even the petitioner failed to prove his innocence in the enquiry conducted by the team of the bank vide their report No.454, dated 01.10.2021, whereby the petitioner alongwith the co-accused was found to have committed embezzlement of Rs.72,69,697/- with the bank. The allegations against the petitioner are serious in nature. The case is based on documentary evidence. The custodial interrogation of petitioner is required in the present case to unveil the entire truth. There is sufficient oral and documentary evidence against the petitioner to bring home the guilt committed by him.

7. That it is further submitted that Dalip Singh father of the petitioner Navdeep Singh has submitted an application No.2864, dated 09.12.2023 before Senior Superintendent of Police, Ferozepur, praying therein that his son/petitioner Navdeep Singh has been falsely implicated in this case and evidence regarding innocence of his son produced before the enquiry officer has been ignored. Therefore, an enquiry may be got conducted from a senior officer regarding innocence of his son and on the orders of Senior Superintendent of Police, Ferozepur, the answering deponent is investigating the matter. It is further submitted that detailed record regarding the embezzlement committed by the petitioner as well as other accused Surinder Pal Singh, Bank Manager has been sought from the bank authorities and investigation is being carried out in a fair and transparent manner.

8. That it is submitted that in the present case, a short reply is hereby being filed by the deponent by reserving the right to file the detailed reply, if need arises and as per the further orders of this Hon'ble Court."

4. Petitioner's counsel submits that it was the Branch Manager who had got the funds transferred and he had been falsely roped in.

5. Counsel for the State submits that Branch Manager could not have done without involvement of the petitioner.

6. An analysis of the above said arguments as well as pleadings and reply, would lead to the outcome that main accused is the Branch Manager and nothing has been pointed out that how much money was transferred or used by the petitioner. Thus, in the specific averment that the petitioner had been benefitted by helping the Branch Manager, it would not be a case of custodial interrogation or pre-trial incarceration, as such case of the petitioner is differently placed. Main accused was the Branch Manager-Surinder Pal Singh and this bail order shall not be used for parity by the said Manager and he has to make a separate case, if stage arises.

7. Given above, petition is allowed and interim order dated 16.01.2024 is made absolute. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

14.02.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.