

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3360-2024

Date of Decision:08.02.2024

Rakesh Kumar

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat**Present :** Mr. Bikram Jit Singh Randhawa, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.121 dated 06.10.2023 registered under Sections 420, 465, 467 of IPC, at Police Station Anandpur Sahib, District Rupnagar.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case, without enquiring the matter from the concerned Bank. He further contends that in fact, Shadi Lal, Ex. President of Society had not worked properly and even, he did not attend the annual meetings of the Society. He further contends that the officials and the President of the Society were not interested in the welfare of the Society and its members, and Shadi Lal and Jeet Ram were removed from their respective posts. Due to this, the petitioner had been made a scapegoat in the present case. Learned counsel further contends that as per the instruction Annexure P-5, the loan was

to be disbursed by the concerned officials of the Bank and the petitioner had no role in the entire incident.

3. A status report has been filed by way of an affidavit of DSP, Sri Anandpur Sahib, District Rupnagar, and the relevant extract of the reply has been reproduced as under:-

“4. That it is respectfully submitted that during investigation of the case, the record of the Mindwan Multipurpose Co-operative and Agriculture Society Ltd. and Ropar Central Co-operative Bank, Branch Kiratpur Sahib, was obtained and witnesses acquainted with the facts and circumstances of the case were examined and their statements under Section 161 Cr.P.C. were recorded by the investigating officer.

5. That it is further submitted that from the investigation carried out so far, it has been transpired that petitioner-Rakesh Kumar was working as Secretary of the Mindwan Multipurpose Co-operative and Agriculture Society Ltd. and the pecuniary affairs of the society was being taken care of by the petitioner-Rakesh Kumar. It is further submitted that the members of the society takes loan from the Ropar Central Co-operative Bank, Branch Kiratpur Sahib, through the bank account of Mindwan Multipurpose Co-operative and Agriculture Society Ltd. and petitioner-used to see and carry out all the work of the loan and repayment thereof, of the members of the society as the members of the society are common people and usually not much literate. It is further submitted that the members of the society used to handover the installments of their loan amount to the petitioner-Rakesh Kumar and he used to make 10 entries regarding their repayment of loan in their passbooks, issued by the society to them and it was the duty of the petitioner- Rakesh Kumar, to deposit the installments of loan of the members 10 of the society, received from them, in the account of the society maintained at the Ropar Central Co-operative Bank, Branch Kiratpur Sahib, however, from the

record it has been transpired that the petitioner-Rakesh Kumar has not deposited an amount of Rs.5,68,000/- in the aforementioned account despite receipt of the same from the members of the society, however, he has made entries regarding the same in the passbooks of the members.

6. *That it is further submitted that from further investigation of the case, it has also been revealed that in the year 2020-21, the petitioner-Rakesh Kumar has got released loan of 113 members of the Mindwan Multipurpose Co-operative and Agriculture Society Ltd., ranging between Rs.70,000/- to 1,50,000/- and in this manner total Rs.1.03 Crore has been got released by the petitioner-Rakesh Kumar in the accounts of the members of the society and immediately after got releasing the loan in favour of the members of the society, the petitioner-Rakesh Kumar used to get the said amount encashed through cheques of the members. It is further submitted that from the verification of the record of the Ropar Central Co-operative Bank, Branch Kiratpur Sahib, it has been found that in every transaction made for withdrawing the aforementioned amount, cheque number has been mentioned, from the series of cheque book, issued to the member concerned but in actual, another cheque and voucher has been used to withdraw the amount. It is further submitted that from the examination of every victim member of the society by the investigating officer, it has been found that the original cheque, number of which has been mentioned in the transaction / record of the bank, which was used to withdraw the amount, is actually in possession of the member concerned”.*

4. I have heard learned counsel for the parties and perused the record.

5. From the submissions made by learned counsel for the parties, it is apparent that the present petitioner in collusion with his co-accused had cheated more than 113 members of Mindwan Multipurpose Co-operative and

Agriculture Society Ltd. Apart from that, the signatures of the members have been forged and even the fake thumb impressions of the members have also been appended in the record of the bank, while taking the loan from the Bank. Apart from that, the Investigating Agency has reasons to believe that certain employees of the Ropar Central Co-operative Bank Ltd. were also involved in the entire scam, wherein forgery and siphoning of public money has been done and the custodial interrogation of the petitioner is required for the said purpose. Even the laptop and the other record of the society are yet to be recovered from the present petitioner. Even otherwise, the petitioner has cheated a large number of innocent villagers and does not deserve the concession of anticipatory bail.

6. The present petition is ordered to be dismissed.

08.02.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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