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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5871-2024 (O&M)
Date of Decision:- 02.07.2024

MONU

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Ms. Shweta Bawa, Advocate for the petitioner.
Mr. Surender Singh, AAG Haryana.

SANJIV BERRY, J. (ORAL)

Status report dated 27.06.2024 filed in the form of an affidavit of Deputy Superintendent of Police, (H.Q.) Bhiwani, Haryana is taken on record. Copy thereof has been supplied to learned counsel for the petitioner,

2. By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
34	23.01.2024	408, 420, 467, 468, 471 and 120-B IPC	Sadar Bhiwani, District Bhiwani

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He



contends that the petitioner has no concern whatsoever with the alleged transactions. He submits that the petitioner had simply attested the withdrawal forms on the asking of senior officers and he being Class-IV employee of the Bank had nothing to do with the said withdrawals. He submits that the petitioner is ready to join investigation and has prayed for grant of anticipatory bail to the petitioner.

4. *Per contra*, learned State counsel while referring to the status report submitted by State has opposed the petition on the ground that the petitioner had been instrumental in withdrawal of amounts from the old-age pension accounts of three ladies, who had expired and had also misappropriated the proceeds. Hence, the custodial interrogation of the petitioner is required to unearth the *modus operandi* and prayed for dismissal of the bail petition.

5. The facts of the case are that the instant FIR was registered on the complaint of one Narender intimating that the employees of the Bank were indulging in withdrawal of amount unauthorizedly from the account of certain holders, who have since expired and misappropriated the same. Accordingly, an inquiry was conducted by the regional office of the Bank and it was found that an amount of Rs.2,56,000/- had been withdrawn from different accounts of deceased pension holders. It also transpired that the petitioner had been identifying the withdrawal slips and in this manner, after withdrawing the amount, the petitioner had been misappropriating the same.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner is admittedly working in the Canara Bank as



Class-IV employee and the instant FIR was registered after preliminary inquiry conducted by the senior officers of the Bank, wherein they had found that the present petitioner had been indulging in withdrawal of pension amounts of the deceased account-holders after forging their thumb impressions and identifying the same himself and misappropriating the proceeds.

7. Therefore, considering the nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

02.07.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No