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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20611-2024 (O&M)

Date of decision: 25.04.2024

AMANDEEP SINGH

.....PETITIONER(s)

Versus

STATE OF PUNJAB AND ANR.

.....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Navjot Singh, Advocate
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

Respondent No.2 in person with Mr. R. S. Manhas, Advocate.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of The Code of Criminal Procedure, 1973 (for short "Cr.P.C.") for grant pre-arrest bail to the petitioner in FIR No.198 dated 14.12.2023 (P-1), under Sections 454 and 380 of the Indian Penal Code, 1860 (for short "IPC"), registered with Police Station Division No.7, District Jalandhar, Punjab.

2. Notice of motion.

3. On asking of the Court, Ms. Manjot Kaur, AAG, Punjab, accepts notice on behalf of the respondent-State. Mr. R. S. Manhas, Advocate with respondent No.2, in person also accepts notice on his behalf.

4. Precisely, allegations are that two gold necklaces along with earrings and bangles were found missing from Locker No.88 maintained by the informant/*de facto* complainant-Gurmail Singh with the Punjab National Bank, Defence Colony, Jalandhar, and contents of the FIR reads as under:-

“Sir, It is submitted as under: 1. That the complainant is a senior citizen, who has retired from The Indian Army as a Colonel after 35 years of service and has been a disciplined soldier, now leading a simple retired life. He had hired a locker no. 88 in PNB, Defence Colony, Jalandhar for safe custody of valuable jewellery of his family, especially his daughter, who is serving in The Army and as Lt. Colonel in the field area in the North-east. 2. That the complainant last time visited the bank for the operation of locker on 29/9/2023. On 20/11/2023 the complainant received a call from Amandeep Singh, an officer of PNB Defence Colony, Jalandhar, who informed that while the repair work on locker no. 12 of Suraksha Bagga was undertaken, it was seen that the complainant's locker may have been affected by the impact of hammer used by the mechanic, while carrying out the repair in the presence of bank staff. 3. That the complainant informed the bank officials that he was not well and had gone to Hospital for treatment, as such the bank should ensure safe custody of my locker till the complainant visits the bank. On 21/11/2023 after having seeing the specialist in the Hospital in the afternoon, the complainant rang up the bank to check if he could visit at that time. However he was told by the Manager to come next day because the strong room was closed at that time. 4. That on 22/11/2023 the complainant visited the bank at 11:30 AM and met Mr. Rohit Kattal, Bank Manager and along with Mr. Amandeep Singh, officer of the bank and staff member, Ashwani and asked me the key and opened the locker and asked me to check the contents. On opening the said locker, I found that two gold necklaces along with earrings and bangles were missing from one of the box kept inside the locker. The said jewellery was very much in the locker, when the complainant last time visited and operated the locker on 29/9/2023. 5. That the complainant seeks to investigate the matter regarding loss of jewellery from his banks locker bearing no. 88, which seems to be the handiwork of persons familiar with the operation of locks of the lockers. Such a theft is not possible without the involvement or connivance of the bank officials. It is highlighted that no action was taken by the bank authorities to safeguard locker no. 88 from 20/11/2023 when locker no. 12 was repaired till 22/11/23 till the complainant visited the bank. The attitude of the Manager was casual and he had not even bothered to carry out internal investigation or examine the CCTV footage till 23/11/2023, when the police visited the bank for investigation. 6. That thereafter the complainant submitted an application to the Manager to investigate the case and take appropriate action recover our lost jewellery. It is intimated that till today the complainant has not received any information from the bank. 7. That the complainant also file complaint to The SHO, Police Station Division no.7, Garha, Jalandhar on 22/11/2023, which was registered at serial no. 226-5BH dated 22/11/2023. It is therefore requested that necessary action as per the provisions of law may kindly be taken in the ends of justice.”

5. Learned counsel for the petitioner contends that he is working as a Manager (Credit) and his job description does not include the functioning and/or maintaining of lockers in the bank. Further contends that, as a matter of fact, Locker No.12 was allotted to one Suraksha Bagga; she lost the key of her locker. Ultimately, on her request dated 20.11.2023, a mechanic was called by the Branch Manager and during the process, Locker No.88 of the complainant was damaged, but it is wrong to alleged that any jewellery items were found missing. Further contends that petitioner was only supervising the mechanic at relevant point of time on the direction of Branch Manager; thus, he has not committed any offence.

6. Learned State counsel, while opposing the prayer, submits that informant/*de facto* complainant is a retired Army Officer, he kept jewellery items of his daughter in Locker No.88 and damage to this locker is quite visible from the photographs as well as CCTV footage collected by the Police. Also submits that there is no proof available with the bank regarding repair of Locker No.12; and moreover, when damage to Locker No.88 is quite apparent and allegations are specific that jewellery of complainant is missing, then custodial interrogation of the petitioner would be very much necessary to know the true facts, as well as recovery of gold items.

7. Learned counsel for the complainant also, while supporting State counsel opposed the prayer of petitioner for pre-arrest bail on similar lines.

8. Heard learned counsel for the parties and perused the paper book.

9. There is no quarrel that every customer put his/her valuable articles earned during life time, in a bank-locker with the hope that same will remain in safe custody and those can be utilized at any point of time, whenever required. In case, some damage is caused to the locker, resulting into loss of any item stored therein, then obviously the concerned bank official(s) will have to explain;

otherwise, it would amount to “fence eating the crop”. Thus, in such a scenario, the petitioner, who is alleged to have monitored the repair work of Locker No.12, cannot escape his responsibility. Moreover, *prima facie* allegations are very serious, therefore, to know the true facts, custodial interrogation of the petitioner would be very much necessary.

- 10. Consequently, there is no option except to dismiss the petition.
- 11. Ordered accordingly.
- 12. The observations made above be not construed as an expression of opinion on merits of the case; rather confined only to decide the present petition.
- 13. Needless to add that prosecuting agency would be at liberty to add the relevant Sections in the FIR in question, if so advised.
- 14. Pending application(s), if any, shall also stands disposed of.

25.04.2024

Aman Dua

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No