



CRM-M-29911-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.220

Case No. : CRM-M-29911-2024

Date of Decision : August 22, 2024

Rajinder

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Amit Chaudhary, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

* * *

GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.437 dated 19.12.2022, under Sections 409, 420 IPC, 1860, registered at Police Station Siwani, District Bhiwani (Annexure P-1).

2. Brief facts of the case are that the aforesaid FIR was registered by concerned official of The Bhiwani Central Co-operative Bank Limited, Branch Jhumpa Kalan (hereinafter referred to as – “the bank”). As per the allegations, a notice was received by the bank from one Subhash, submitting therein that the petitioner, while posted in the bank as Manager, had received Rs.31,00,500/- from the said Subhash, on the pretext that he would deposit the said amount in his bank account and he also issued receipt of the bank in

that regard, but actually he did not deposit the said amount.

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3. Learned counsel for the petitioner has submitted that the aforesaid Subhash also filed a Civil Suit against the bank and the petitioner for recovery of his amount along with interest. A copy of plaint of the said Civil Suit has been annexed with the present petition as Annexure P-2.

4. The bank filed the written statement (Annexure P-3), wherein it was contended that no amount was deposited in the bank and the story put forth by aforesaid Subhash was totally false as the alleged receipts were neither issued by the bank nor the cashier, who is the only authorized person to receive cash in the branch and the personal dealings, if any, between Subhash and petitioner, cannot bind the bank. Thereafter, the FIR in question was registered against the petitioner, who has already retired from the bank and is about 65 years old.

5. The petitioner also filed separate written statement (Annexure P-4), submitting therein that Subhash was having personal enmity with the petitioner as during his service tenure as Branch Manager of the bank, he had cancelled an agreement to sell dated 18.07.2011, prepared by the petitioner, for selling the land of his mother and brother for much lesser value than its prevailing market value. The petitioner further alleged that he was threatened by Subhash then and there only to take revenge of the said act. So, he manipulated the deposit slips, easily available at the counter of the bank. Moreover, the incident is alleged to be of the year 2011, whereas Subhash inquired from the bank about his money in the year 2019. It is apparent that no one would wait for such a long period to verify from the bank about the amount deposited by him in his saving account. Learned

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counsel has further contended that challan in the present case has already been submitted and the petitioner is in custody since 29.02.2024. Completion of trial may take a long time. So, the prayer of the petitioner be accepted and he be released on bail.

6. Learned State counsel, countering the submissions of learned counsel for the petitioner, has opposed the bail petition. He has submitted that the petitioner, being Branch Manager, cheated aforesaid Subhash and on receipt of amount from him, issued receipts on the forms of the bank, but never deposited the said amount, so received from Subhash. However, he has fairly admitted that challan has been presented and the petitioner is in custody since 29.02.2024.

7. I have heard the arguments advanced by learned counsel for the petitioner as well as learned State counsel at length and have also perused the paper-book in detail.

8. The matter pertains to the year 2011. Investigation is complete. Challan is already presented. The trial of the case may take a long time to conclude. There is no explanation why Subhash kept mum for such a long period and did not bother about his own deposited amount. At this stage, it is debatable if a person after depositing amount in the bank would not get entry in the pass-book for such a long period. No useful purpose would be served by keeping the petitioner behind bars for a long time.

9. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of

learned Trial Court/Duty Magistrate concerned.

10. Nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

11. Pending applications, if any, shall stand disposed of along with this judgment.

August 22, 2024

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(GURBIR SINGH)
JUDGE

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