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

CRM-M-33810-2024
Date of Decision : 22.08.2024

HARWINDER SINGH .....Petitioner(s)

VERSUS

STATE OF PUNJAB ....Respondent(s)

CRM-M-33814-2024

RAGHAV CHUG .....Petitioner(s)

VERSUS

STATE OF PUNJAB ....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Akshay Bhan, Sr. Advocate with
Mr. Nitin Thatai, Ms. Monika Thatai and
HPS Sandhu, Advocates
for the petitioner(s).

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Vicky Sharma, Advocate,
for the complainant

KULDEEP TIWARI, J.(Oral)

1. Since both the petitions are arising out of a common FIR, therefore, being amenable for common decision, same are taken up together.

2. On 17.07.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

> "1. Since both these petitions arise out of a common FIR, besides them yearning common relief(s), therefore, they are amenable for being heard and decided together.
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> 2. To be precise, in both these petitions, the petitioners seek the concession of anticipatory bail, in case FIR No.124 dated 30.06.2024, under Sections 420, 406, 467, 468, 379 of the IPC, registered at P.S. City Tarn Taran, District Tarn Taran.
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> 3. The case at hand not only involves breach of trust, but, huge loss to the tune of ₹ 27,00,000/- has also been suffered by an agriculturist, on account of his two cheques bearing forged signatures becoming misused by one Manoj Kumar (main beneficiary). This scam constituted the bedrock for registration of the present FIR.
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> 4. The learned senior counsel for the petitioners has drawn attention of this Court towards the procedure for clearance of cheque and submitted that the petitioners do not have any role to play in the said clearance procedure. He has further submitted that both the disputed cheques were passed through CTS (Cheque Truncation System) Clearing Process from the Chennai Grid of HDFC Bank and not by the bank officials of HDFC Bank, Branch: Jandiala Road, Tarn Taran, therefore, the petitioners do not have any involvement in clearance of the said cheques.
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> 5. From the allegations levelled in the FIR, it transpires that one Bikramjit Singh, who was then working as Relationship Manager with the bank concerned, was in constant touch with the complainant, inasmuch as, he used to help him in conducting bank transactions and operating his limit account. However, after gaining trust of the complainant, said Bikramjit Singh misused his cheques and managed to make transfer of funds through the disputed cheques in favour of Manoj Kumar.
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> 6. This Court has examined the record, whereupon, a prima facie inference becomes generated that, at this stage, there is nothing on record suggestive of petitioners' involvement in the clearance procedure of the disputed cheques.
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> 7. Notice of motion for 22.08.2024.
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> 8. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.
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> 9. In the meantime, the petitioners are directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.
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> 10. Photocopy of this order be placed on file of connected case."

3. In pursuance to the notice of motion issued, Mr. Vicky Sharma, has caused appearance on behalf of the complainant in both the cases, through a validly executed power of attorney in his favour. The same are taken on record.

4. Learned senior counsel appearing for the petitioners submits that both the petitioners have joined investigation and have fully co-operated with the investigating officer

5. *Per contra*, the learned State counsel has filed a short reply dated 21.08.2024, by way of an affidavit of Sh.Kamalmeet Singh, DSP, Sub-Division Tarn Taran, which is ordered to be taken on record, and submits that though the petitioners have joined investigation, but the recovery of amount is yet to be effected from them.

6. He further opposes the instant petitions, on the ground that being the bank officials of HDFC Bank, the petitioners were in fiduciary relationship with the complainant, and since the complainant reposed complete faith in them, including the relationship manager, while executing the transaction in which he has been cheated by the petitioners in connivance with other co-accused, they have embezzled the amount of Rs.27 lakhs.

7. Learned counsel for the complainant has also opposed the grant of pre-arrest bail to the petitioners, and placed reliance upon the circular dated 25.09.2020 and also the Cheque Truncation System (CTS), issued by the Reserve Bank of India, requiring the bank officials to first inform the account holder before clearing the cheque, over and above Rs.5.00 lakhs, and said circular was adopted by the HDFC Bank.

8. He further submits that as per the private handwriting expert, the signatures on the cheque does not match with the admitted signatures of the complainant.

9. Finally, he placed reliance upon an order dated 08.08.2024, passed by this Court, in CRM-M-38284-2024, whereby this Court had declined the pre-arrest bail to the co-accused-Bikramjit Singh.

10. This Court has considered the rival submissions as made by the counsel for the parties concerned, and have perused the entire case filed.

11. It reflects from a perusal of the entire allegations that it is the main accused-Bikramjit Singh, who hatched a conspiracy with one Manoj Kumar son of Ashok Kumar, in order to exploit the faith deposed by the complainant, and misused the cheque issued by the complainant, and the amount was got transferred to said Manoj Kumar.

12. Whether the present petitioners who were the bank officials, committed any irregularity in performing their bank duties would be a different issue, and whether, such irregularity attracts the penal provisions under which the present FIR has been registered, is a moot question, which is to be established by the prosecution during the course of trial by adduction of evidence before the learned trial court concerned.

13. *Prima facie*, this Court is of the view that since the allegations are against the main accused-Bikramjit Singh, and one Manoj Kumar, and the petitioners have joined the investigation, and have fully co-operated with the investigating officer, and non-recovery of amount cannot be a ground, for declining the relief of anticipatory bail to the present petitioners, as the instant proceedings of granting anticipatory bail cannot be converted into a suit for recovery, the hereinabove

extracted interim order dated 17.07.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

> "(i) the petitioner(s) shall not commit an offence similar to the present offence;
> (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
> (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required."

14. This order should not be treated as "blanket" order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

15. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

A photocopy of this order be placed on the file of the connected case.

(KULDEEP TIWARI)
JUDGE

August 22, 2024
dharamvir

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No