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

CRM-M-46619-2024
Date of Decision: 03.10.2024

Saroop Singh …Petitioner

vs.

State of Punjab …Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Nitnem Singh Ghuman, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

Mr. G.S.Ghuman, Advocate
for the complainant.

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N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to him in FIR No.0056 dated 29.06.2024 registered under Sections 419, 420, 406, 120-B of IPC and Section 66(D) Information Technology Act, 2000, at Police Station Sudhar, District Ludhiana Rural.

2. The FIR in the present case was got registered by Balwant Singh, aged 80 years, who is a NRI and the same has been reproduced below:-

> *" Duplicate Complaint, "Complaint No. 789-PC-1 dated 27.04.2024 to Senior Superintendent of Police Ludhiana Rural (PGD NO-341116) from Balwant Singh son of Lal Singh resident of Village Hera, Police Station Sudhar, Tehsil, Raikot, District Ludhiana. Mob no. 98157-62372, contents of which are as follows, "Hon'ble SSP District Ludhiana (Rural) Subject-Legal action to be*

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taken regarding the fraud of Rs. 46,00,000/- from the SBI bank account of Branch Sudhar. Respected Sir, It is requested that I am Balwant Singh, son of Lal Singh, resident of village Hera, police station, Tehsil Raikot, district Ludhiana. I have a savings bank account number 55052752145 (Senior Citizen) which is SBI Bank at branch Sudhar In which my service pension is coming. I am a JE Retired from Department Punjab State Power Corporation Limited. I am PR from Canada and have been residing in Canada since 2017 and returned to India on 24th April 2024. I was receiving my service pension from the above bank. Which is being deposited in my bank account from the year 2017 till 2024 which I have not withdrawn till date. Now when I got my account statement from my bank I found that I have only 20,912.78/- rupees remaining in this account since my money is being withdrawn from this account every month which neither I nor any of my heirs has withdrawn, therefore a big fraud has been committed upon me. Whereas the balance in my account should be approximately 46,00,000/- rupees. The money that has been withdrawn from my account has been withdrawn through various ATMs or have been deposited to various accounts through internet banking while I have not received any such facility. My age is around 80 years. I cannot use internet or ATM. That's why I never availed such facility from bank. Neither any mobile numbers have been given by me to the bank nor any ATM has been Issued by me. Nor have I been operating any app regarding this account on the phone from which this action has taken place. His IP address should be extracted so that it can be clear which individual or bank employee is involved in this fraud. It seems that this happened with the collusion of bank employees. In this way, by thoroughly investigating the big fraud against me, against the one who cheated me. Appropriate legal action should be taken and my money refunded to me. I have come to India for my treatment, I had saved these rupees for my treatment. But instead of getting

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treatment, I am suffering from mental harassment. I am mentally disturbed. If there is any loss of life due to this reason, then it will be the responsibility of the employees of the said bank. for the same I shall be thankful. Dated 27-04-2024 is enclosed with the bank statement. Complainant Sd/- Balwant Singh son of Sh. Lal Singh, resident of village Hera, police station Sudhar, Teh, Raikot, District Ludhiana."

3. Learned counsel for the petitioner contends that the petitioner is an uneducated person, who has been made a scapegoat in a conspiracy, which was hatched by the officials of the State Bank of India. In fact, the complainant was maintaining a pension account with State Bank of India and the bank officials had withdrawn the amount by using unlawful means. Even the petitioner, being illitrate, had no knowledge of internet banking and any tranfer of amount in his account was done by the officials of the Bank, who have been arrested so far. Learned counsel for the petitioner further contends that the petitioner is ready to join the investigation and to share all the information with the Investigating Officer.

4. On the other hand, status report by way of an affidavit of Deputy Superintendent of Police, Dakha, District Ludhiana has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel, assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the present petitioner was hand-in-glove with the officials of the State Bank of India. Even prior to the registration of the FIR, an inquiry was conducted by the police and it was found that the account of the petitioner was used in the commission of the crime. Even as per the investigation conducted

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so far, an amount of Rs.16,31,005/- was transferred in the bank account of the present petitioner, which clearly proves that the petitioner was also involved in siphoning off the amount of Rs. 40,55,006/- from the bank account of the complainant.

6. I have heard learned counsel for the parties and persued the record.

7. In the present case, the amount of Rs.40,55,006/- was fraudulently withdrawn by certain persons from the pension account of the complainant, who is aged about 80 years and was residing abroad. No doubt, from the facts of the case, it is apparent that several bank officials are also involved in the present case and the custodial interrogation of the petitioner would be required to know the names of the bank officials, who are also involved in the present case. Apart from the documentary evidence relating to the account operated by the petitioner is yet to be recovered from him and his custodial interrogation will be required to know the modus-operandi of all the accused in the present case.

8. Thus, findings no merit in the present case and the same is dismissed.

(N.S.SHEKHAWAT)
JUDGE

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

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