IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-54509-2023
Reserved on: 03.04.2024
Pronounced on: 05.04.2024
2024:PHHC: 046584

SUBHAM

. . . . Petitioner

Vs.

STATE OF HARYANA

. . . . Respondent

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CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

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Present: - Mr. Sachin Gupta Ladwa, Advocate, and
Mr. Himanshu Bansal, Advocate,
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. Pardeep Solath, Advocate, for the complainant.

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DEEPAK GUPTA, J.

By way of this petition filed under Section 438 CrPC, petitioner prays for grant of anticipatory in case FIR No.186 dated 20.06.2023 under Sections 409/420/120B of the IPC, registered at Police Station Hassanpur, District Palwal.

2. Status report by way of affidavit of Shri Sajjan Singh, HPS, Deputy Superintendent of Police Hodal, District Palwal, has been filed on behalf of the respondent-State.

3. A separate reply has also been filed by the complainant-Jitender Singh, General Manager-cum-CEO of the Faridabad Central Cooperative Bank Ltd., Faridabad.

4.1 As per the status report, on 20.06.2023, a written complaint bearing No.1022-P dated 13.03.2023, after inquiry from cyber crime, made by the complainant Jitender Singh, General Manager-cum-CEO of the Faridabad Central Cooperative Bank Ltd., Faridabad was received, as per which, the said complainant had received an order from the Head office regarding the embezzlement of an amount of ₹20,86,300/- by Ex Branch Manager, namely Ramesh Chand Lohat, Clerk CHN DFO namely Raj Singh and Subham *(petitioner herein)* after hatching a conspiracy. FIR was registered.

4.2 During investigation, record of the Cooperative Bank, Branch Hassanpur was collected. Statement of Bal Kishan, Branch Manager (since retired), Faridabad was recorded, who was member of a committee to conduct the inquiry into embezzlement, who disclosed that during the inquiry computerized cash book (cash scroll) for the period 01.04.2022 to February 2023 was taken out. On matching with the vouchers, it was found that some payment had been withdrawn, without any withdrawal and the payment voucher (LPO), through the ID of Satpal, Branch Manager, Ramesh Chand Lohat and Raj Singh, Computer Operator and that from 01.04.2022 to February 2023, an amount of ₹4,55,72,700/- had been withdrawn by the aforesaid four persons, including the petitioner. The Police report further mentions that four inquiries were conducted for different periods and the total embezzled amount in these inquiries was found to be ₹4,55,72,700/- and that in all these inquiries, Subham (petitioner) was found to be involved.

5.1 It is contended by ld. counsel on behalf of the petitioner that petitioner is being falsely implicated due to political rivalry, as father of the petitioner is the Chairman of the employees of the Cooperative Bank. Ld. Additional Sessions Judge, Palwal, had earlier granted interim anticipatory bail to the petitioner vide order dated 19.08.2023, after observing that specific role of the petitioner in the alleged embezzlement had not been pointed out and so, the petitioner was directed to join the investigation, but later on, after joining of the investigation by the petitioner, the bail of the petitioner was dismissed by the ld. Additional Sessions Judge, Palwal on 02.09.2023 on the ground that his custodial interrogation was required. Ld. counsel contends further that no offence under Section 406/420 IPC is made out and that he is still ready to join the investigation.

5.2 In order to support his contentions, petitioner also placed on record documents Annexure P4 to P18 in order to contend that father of the petitioner was illegally removed from the Chairmanship, who had challenged the relevant resolution before the competent authority; and that FIR has been registered due to political pressure.

6.1 In a separate reply as filed by the complainant, it is submitted that father of the petitioner, namely Ram Parkash was elected as Chairman of the Board of Directors of the complainant-Bank in the month of November 2018. Petitioner was appointed as Computer Operator through an out sourcing agency on 21.06.2021 in the complainant-Bank during the Chairmanship of Ram Parkash i.e. father of the petitioner. Misusing his position being son of the Chairman of the Bank, petitioner committed embezzlements and misappropriations during his posting at Hassanpur branch. While reviewing the ST SAO loans outstanding in all branches of the Bank, it was observed that there was inordinate increase in such loans at various branches. Necessary directions were issued seeking the report. Complainant submits that on perusal of the report dated 23.02.2023, it was revealed that during random checking of the vouchers dated 18.11.2022, 24.11.2022, 30.11.2022 and 29.12 .2022, an amount of ₹20,86,300/- had been embezzled by Subham (petitioner) along with Ram Chand Lohat. Copy of the report is Annexure R2/3. After receiving the aforesaid report, when other Directors of the Bank demanded registration of the FIR against the petitioner, his father Sh. Ram Chand, the then Chairman of the Bank, resigned from the post on 24.02.2023. Petitioner was immediately relieved. Letter dated 28.02.2023 was written authorizing the concerned Branch Manager of the Hassanpur Branch to get the FIR registered against the petitioner.

6.2 Complainant submits further that a committee of five persons was constituted to examine the record of the Hassanpur Branch and vide its letter dated 01.06.2023, the committee submitted its report regarding the record of some of the dates from 01.11.2022 to 29.11.2022, revealing the embezzlement to the tune of ₹32,42,800/-. Copy of the report is annexure R2/7. Complainant submits further that on 23.05.2023, Ram Parkash, father of the petitioner, filed a revision before the Additional Chief Secretary to the Government of Haryana, Cooperative Department, seeking quashing of the proceedings dated 24.04.2023 of the Board of Directors of the Bank, whereby his resignation dated 24.02.2023 was accepted. During the pendency of that petition, Additional Chief Secretary issued directions to the Deputy Registrar, Cooperative Societies, to look into the embezzlement and misappropriation of the funds of the bank. The revision petition was dismissed on 02.06.2023.

6.3 It is submitted that since the family of the petitioner was having higher political links, so FIR was registered only after much persuasion on 20.06.2023. Complainant submitted further that the committee constituted by the Bank vide its report dated 20.06.2023, informed the embezzlement to the tune of ₹2,09,57,200/- in the month of November 2022, December 2022 and January 2023. Vide another report dated 04.08.2023, for the Month of April 2022 to January 2023, total embezzlement committed by the petitioner and his accomplices was found to be ₹2,46,15,500/-. Copies of these reports are Annexures R2/9 and R2/10.

6.4 Ld. counsel for the complainant also submits that upto 04.08.2023, total embezzlement amount, which includes cash withdrawal transferred in other accounts etc. has been found to be ₹4,55,72,700/-; and that investigation is still going on and the embezzled amount is expected to be more than ₹ 6 crore.

6.5 Apart from the detailed reply as filed by the complainant, ld. counsel has also drawn attention towards various documents annexed with the reports revealing that numerous withdrawals have been made using the ID "SUB1190" of Subham – petitioner, indicating his direct involvement in the crime.

7. Ld. counsel for the complaint along with ld. State counsel submits that sustained custodial interrogation of the petitioner is required in order to unearth the entire truth. Prayer is accordingly made for dismissing the petition.

8. Having considered submissions of both the sides and having gone through the detailed reply filed by the complainant supported by various inquiry reports, *prima facie* showing the involvement of the petitioner in the crime by use of his user ID, revealing embezzlement of the huge amount of more than ₹4.55 crore, this Court is not inclined to grant the benefit of anticipatory bail to the petitioner, as his sustained custodial

interrogation appears to be of utmost necessary to unearth the entire truth. Petition is accordingly dismissed.

Pending application(s), if any, stand disposed of.

(DEEPAK GUPTA)
JUDGE

05.04.2024
Vivek

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