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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-64879-2023
Date of Decision:-25.07.2024

RAJDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Swarn Singh Tiwana, Advocate, for the petitioner.
Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 Cr.P.C the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0118	31.08.2023	409 IPC	Kotwali Nabha, District Patiala

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner was working as a Branch Manager in the Bank at the relevant time and instant FIR has been lodged by one Surjit Singh wherein Narinder Singh and Jagar Singh also happen to be alleged victims. He contends that the petitioner has been falsely implicated in this case and in



fact, the aforesaid complainant/victims had themselves withdrawn the amount from their bank accounts and invested in 'Sahyog Credit Co- and also utilized the proceeds thereof. There is no criminal intent of the petitioner nor has he misappropriated any amount. He contends that the mobile numbers of the aforesaid persons were changed in the bank account on the basis of their request. The allegations levelled in the FIR are false and frivolous. Hence, prayed for grant of anticipatory bail.

3. *Per contra*, learned State counsel referring to the replies submitted by the State has contended that the petitioner working as Branch Manager in the Bank at the relevant time, has misused his official position by using the authority given to his post, changed the mobile numbers of the complainant and the victim aforesaid in the bank accounts. The OTP's were received on the changed mobile numbers without the complainant/victim being aware of it and the over draft loan against the fixed deposit receipts were taken and the amount was invested in the 'Sahyog Credit Co-' run by one Gurinder Kaur, without the consent and knowledge of the customers i.e. the complainant/victims. He contends that the aforesaid 'Sahyog Credit Co-' company was not the subsidiary of the Bank but was run by one Gurinder Kaur who has since been nominated as co-accused in the case having misappropriated the deposits of the complainant/victims in connivance with the petitioner by misusing his position as Branch Manager of the Bank. He submits that custodial interrogation of the petitioner is required to unearth the scam and to arrive at logical end, hence prayed for dismissal of the



petition.

4. After considering the rival contentions and perusing the record, it transpires that the instant FIR (Annexure P-1) was registered by one Surjit Singh, Narinder Singh and Jagar Singh against the petitioner who was working as Branch Manager, State Bank of India, Nabha at the relevant time, to the fact that they had deposited certain amounts in the shape of Fixed Deposit Receipts in the Bank but the proceeds thereof, have not been credited to their accounts ever after maturity. On inquiry, it was revealed that in fact loan by way of over draft facility was availed against the amount of FDR. Accordingly the FIR was registered.

5. It has further been observed that so far as the factum of petitioner being working as Branch Manager of the Bank is concerned, it is not disputed. It is also not disputed that the complainant and victim aforesaid had their Bank accounts in the same Branch wherein they had invested some amount in the shape of fixed deposit receipts. The maturity proceeds there of, have not been deposited in their respective accounts and aggrieved by the same the instant case had been registered. It has come out during course of hearing that the petitioner in connivance with the co-accused Gurinder Kaur, Manager of one 'Sahyog Credit Co-' Company had transferred the amount from the accounts of the above said customers by availing loan by way of overdraft facility and invested the same against the FDR in 'Sahyog Credit Co-' company. As per the prosecution, this has been done by the petitioner by misusing his authority as Branch Manager using his ID to change the mobile numbers in the bank accounts of the aforesaid



persons to that of Gurinder Kaur so that the OTP of the transactions would not be received by the customers. Although the petitioner has claimed the change of the mobile numbers having been done on the request of customers but nothing of that sort in the shape of any such request having been received from any of such customers aforesaid has been placed on record. Furthermore, said Gurinder Kaur has also been nominated as co-accused in the case and it is alleged by the prosecution that Gurinder Kaur used her mobile number for receiving OTP's for transactions of which the customers i.e. the aforesaid complainant/victims were never aware. In this manner the petitioner in connivance with the co-accused had misappropriated the amount of the complainant victims lying in their Bank accounts/FDR's without their knowledge.

6. In these circumstances, the plea taken by the petitioner that the aforesaid customers had invested in 'Sahyog Credit Co-' on their own cannot be accepted when the mobile number given by the customer in the Bank account could only be changed with the intervention of the Branch Manager by applying his authorized ID and that too on the requests of the customers. So taking into consideration the facts and circumstances, coupled with the gravity of offence, custodial interrogation of the petitioner is required to unearth the scam. Accordingly, no case is made out in favour of the petitioner for grant of anticipatory bail. Therefore, finding no merit in the present petition, the same is hereby dismissed.



7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

25.07.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |