IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101 **CRM-M-15339-2025**
Date of Decision : **March 21, 2025**

HARSHVARDHAN DUGGAL

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. Tajender K. Joshi, Advocate for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.0172 dated 18.11.2022 (Annexure P-1), under Sections 409, 467, 468, 471, 120-B IPC, registered at Police Station Anaj Mandi, District Patiala.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

> *"To Senior Superintendent of Police. SUB COMPLAINT AGAINST (1) HARSHVARDHAN DUGGAL, EMP NO 127233.SON OF SHRI JAI PAL DUGGAL RESIDENT OF VPO MACHHRAULI TEHSIL SAMALKHA. DISTT PANIPAT PRESNTLY WORKING AT CENTRAL BANK OF INDIA. BRANCH OFFICE, MALL ROAD, PATIALA AND 2) OTHER UNKNOWN ACCUSED FOR COMMITTING FORGERY AND FRAUD IN CONNIVANCE WITH EACH OTHER AND UNKNOWN OUTSIDER WITH MALAFIDE INTENTION TO CAUSE WRONGFUL LOSS TO THE BANK BY MISUSING THE OFFICIAL*

POWERS INTENTIONALLY, PURPOSEFULLY AND WITH DELEBERATE DECIET AND FRAUDULENT ACT RESULTING FRAUDULENT TRANSACTIONS THROUGH UNAUTHORISED CASH WITHDRWAL AND CASH DEPOSIT IN BELOW MENTIONED ACCOUNTS WITH CENTRAL BANK OF INDIA WITHOUT ACCOUNT HOLDERS MANDATE WHICH CAUSED HUGE LOSS TO THE NATIONALIZED BANK. Respected Sir. The applicant respectfully submits as under 1) That the applicant is a body corporate constituted under the Banking Companies (Acquisition & Transfer of Undertakings Act, 1970, having its Head Office at Chander Mukhi, Nariman Point. Mumbai-400021& amongst other places a branch office at Adalat Bazar (Sirhind Road), Patiala & the undersigned being the Principal Officer of the applicant bank is competent to move this complaint seeking registration of FIR against the above named accused persons. 2) That the applicant being as Officer of Central Bank of India draw the kind attention of your goodself in respect of forgery & fraud committed by the above referred accused persons after committing forgery by deceitful transactions through unauthorized cash withdrawal trom various accounts maintained with Central Bank of India without account holder's mandate with malafide intention & to credit the said fraudulent amount by way of Cash Deposit in various accounts, too maintained with central Bank of India and also caused gross illegality and irregularity to siphon off huge causing huge loss to the nationalized bank. 3) That the accused Harshvardhan Duggal had been working with Central Bank of India as Branch Head of Branch Office. Adalat Bazar (Sirhind Road), Patiala since july 2021 and now he is transferred at Branch Office, Mall Road, Patiala 4) That on dated 14/04/2022. supplementary reports of Branch Office, Adalat Bazar (Sirhind Road). Patiala, dated 07/04/2022 and 12/04/2022 were checked to confirm the genuineness of transactions of branch 5) Unauthorized transactions dated 07/04/2022 related to above mentioned account of Mr Lajpat Rai having alc no 3634055958 amounting Rs 3.00 Lakhs, a/c of Ms Vaishali Chauhan having a/c no 5212588109 amounting Rs 1.50 Lakhs & of Gurpreet Singh having alc No 3098744536 amounting Rs 6.50 Lakhs were debited intentionally by accused Harshvardhan Duggal. the then Branch Head of Adalat Bazar (Sirhind Road), Patiala, in cash without the mandate of these customers. For the said debit cash transactions various debit vouchers were prepared unauthorizedly by the accused Harshvardhan Duggal in connivance with other accused *persons and proceeds were credited in cash in the account no 3621358277 of One Mr. Kamal Singh. It is added here that all these accounts are not pertaining to Branch Office. Adalat Bazar (Sirhind Road), Patiala The credited amounts were further withdrawn from the account of Sh. Kamal Singh.5) Another unauthorized debit transactions dated 12/04/2022 related to Ravinder Saini having a/e No 3956923963 amounting Rs 15.00 Lakhs was made in cash without the mandate/consent of customer and proceeds were credited in cash in the accounts of Mrs Beena W/O Krishan Kumar having alc No 3526062695 and Sh. Kamal Singh having a/c NO 3621358277 for Rs 8.30 Lakhs and Rs 6.70 Lakhs respectively it is further added here that above accounts are also not pertaining to VINES Branch Office, Adalat Bazar (Sirhind Road). Patiala. The said credited amounts were further utilized from the accounts of Mrs. Beena & Sh. Kemal Singh. 7) The vouchers were prepared Intentionally by accused Harshvardhan Duggal for above mentioned unauthorized transactions which have been kept now under the custody of Branch Head Branch Office, Mall Road, Patiala. B) Above all transactions have been done unauthorizedly through the CBS System of bank by using debit vouchers prepared by accused Harshvardhan Duggal himself without the sign of actual account holders For said unauthorized transactions the codes of Employees Mr Jai Krishan, Head Cashier having PF NO 91045, Accused Harshvardhan Duggal himself, the then Branch Head having PF No 127233 and of Harminder Singh, SWO-clerk having PF No 77637 were used. 9) The said unauthorized transfers of amounting Rs 20.00 lakhs in toto were done in accounts reportedly by then Branch Head (now transferred to Branch Office. Mall Road, Patiala) Mr Harshvardjhan Duggal. Considering above all facts, it is observed that accused Harshvardhan Duggal since transferred, has done above unauthorized fraudulent transactions through cash withdrawals and cash deposits in above mentioned accounts with Central Bank of India without abovementioned account holders mandate/consent. 10) Above stated all unauthorized transactions of dated 07/04/2022 & 12/4/2022 amounting Rs 26.00 Lakhs in toto have been done without party's signatures and passed with malafide intention by accused no-1 Mr. Harshvardhan Duggal. As per requirement of transaction in CBS system of bank, these above stated unauthorized transactions have been done through the maker and checker concept, who are our bank employee i.e. Mr. Jai Krishan and Harminder Singh including the accused Harshvardhan*

Duggal whereas the said transactions have been finally conducted through the CBS system by then Branch Head Harshvardhan Duggal (accused no. 1). Then the unauthorized transferred amount of Rs 26.00 Lakhs in toto of above said fraudulent transactions were subsequently withdrawn/utilized. 11) From the above, a prima facie case of forgery and fraud on the part of accused no. 1 Mr. Harshvardhan Duggal In connivance with other unknown accused persons, has been committed in above stated accounts maintained with central Bank of India. The whole transaction of mala fide act has been carried out through the CBS system of bank by using the debit vouchers and paying slips. debiting the above accounts in cash and crediting the other accounts unauthorizedly by accused no.1 Harshvardhan Duggal in connivance with other unknown persons. 12) That all the accused persons in connivance with each other and outsiders maliciously cheated the bank by committing such acts after playing tactfully a fraud with the bank with the common intention. In this way, all the accused intentionally with malafide and dishonest intention utilized the fraudulent amount. In view of the above referred facts and documentary evidence, it is a clear cut case of fraud and forgery committed by all the accused persons and further it is fraud, cheating and misrepresentation for purposeful gain. So, in this way, all the accused persons have committed the offence under section 465, 467, 468.471, read with section 120-8 as well as 420 IPC including Criminal Breach of Trust. So in these circumstances, the FIR may please be registered against the above referred culprits and they may be prosecuted and punished according to the law. Thanking you in anticipation. Yours faithfully Deputy General Manager, Central Bank of India, Regional Office, Ludhiana. Through SD Branch Head Central bank of India, Adalat Bazar (Sirhind Road), Patiala."

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that as per the prosecution story, some amount was withdrawn by the petitioner in the bank accounts of customers without the mandate of the customers but the petitioner is not beneficiary of any amount from the alleged fraud but the same is traceable and can be recovered from the account of beneficiaries. He would further submit that the alleged case is based on documents and the police has taken into custody all the documents during the course of investigation and nothing is to be recovered from the petitioner. He would further submits that the petitioner is ready and willing to join the investigation.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State, who does not controvert the aforesaid fact but opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner has cheated the customers by withdrawing huge amount.

4. **Analysis**

Be that as it may, considering the fact that the present case is based upon documentary evidence and all the documents are with the police and nothing is to be recovered from the petitioner added to the fact that custodial interrogation of the petitioner is not required at this stage, the Court is of the considered opinion that the petitioner be released on bail.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

> '*When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
> *(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
> *(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
> *(iii) a condition that the person shall not leave India without the previous permission of the Court;*
> *(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

March 21, 2025
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No