IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23506-2025
Reserved on: 02.07.2025
Pronounced on: 31.07.2025

Sanjeet Kumar ...Petitioner

Versus

State of Punjab …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rahul Bhargava, Advocate for the petitioner.

Ms. Pooja Nayar Sharma, D.A.G., Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
16	14.02.2024	Mullanpur Garibdass, District Mohali	381, 409, 120-B, 420, 465, 467, 468, 471, 201 IPC and 66-C and 66-D of IT Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 24 of the bail petition, the petitioner has no criminal antecedents.

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

> *"3. That with regard to the subject matter of the present petition, it is submitted that F.I.R. No. 16 dated 14.02.2024 under Sections 321, 409, 120-B IPC (Section 420, 465, 467, 468, 471, 411, 201 IPC and Sections 66-C, 66-D of Information Technology Act added later on) was registered at Police Station Mullanpur, District SAS Nagar against Gaurav Sharma, the Bank Manager and Sanjeet Kumar, the Bank Employee (petitioner) after into the complaint bearing preliminary inquiry 111/5D/PS/MLP dated No 14.02.2024 received from the complainant Vikas Sood (Officiating Branch Head of AXIS BANK LTD) in the office of Station House Officer, Police Station Mullanpur, District SAS Nagar by Si Paramjit Singh and the prima facie offences under Section 321, 409, 120-B IPC was made out against the aforesaid accused persons.*
> *4. That it has been alleged by the complainant Vikas Sood [Officiating Branch Head of AXIS BANK LTD] that complaints*

> *have been received from customers at Axis Bank, Bansepur Branch, Sol ID 2165 regarding the misappropriation of funds from their accounts. They have not authorized the bank to debit their accounts or transfer amounts to other accounts. Specifically, in the account of Omaxe New Amritsar Developers Pvt Ltd., account number 922020041575607, an amount of Rs. 80,00,000/- (Rupees Eighty Lakhs Only)was debited and credited to the account of Swaraj Paul, account number 9170010070940671, on 13.02.2024, despite the customer not providing any mandate for such a transfer of funds to Swaraj Paul's account. Mr. Gaurav Sharma has allegedly misused his position and misappropriated the funds. Additionally, complaints have been received from other account holders whose accounts were debited without any debit instructions or mandate from their side, and funds were found misappropriated by Branch Manager Mr. Gaurav Sharma. It has also been discovered that Gaurav Sharma misappropriated physical cash amounting to Rs.97,48,540/- (Rupees Ninety-Seven Lakhs Forty-Eight Thousand Five Hundred Forty Only) and committed criminal breach of trust. The joint custodian of the cash vault is Sanjeet Kumar, Employee ID 352383 (petitioner). Accordingly, appropriate legal action was sought against the aforesaid accused including the petitioner."*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

> *"THE EVIDENCE BASED ON WHICH THE PETITIONER WAS ARRAIGNED AS AN ACCUSED*
> *13. That the petitioner was arraigned as an accused on the basis of a preliminary inquiry conducted into complaint bearing No. 111/5D/PS/MLP dated 14.02.2024 received from the complainant Vikas Sood (Officiating Branch Head of Axis Bank). In the said complaint, the petitioner was specifically named as a responsible individual, along with co-accused Gaurav Sharma, in connection with the misappropriation of funds from customer accounts at the Bansepur Branch. During inquiry, prima facie offences were found*

> *to be made out against the petitioner. Subsequently, upon registration of FIR No. 16 (supra), investigation into Axis Bank's internal transaction records, employee activity logs and the petitioner's own disclosure statement during interrogation revealed his active involvement in the alleged offences.*
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> *THE EVIDENCE AGAINST THE PETITIONER*
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> *14. The evidence against the petitioner includes his disclosure statement recorded during police interrogation, in which he admitted to having entered unauthorized banking transactions using his biometric ID on the instructions of co-accused Gaurav Sharma: this admission is further substantiated by banking system logs and transaction data, which clearly reflect the use of the petitioner's biometric credentials to carry out multiple fraudulent transactions involving significant sums of money. including debits from customer accounts without their knowledge or consent. The petitioner's role as joint custodian of the cash vault is also of relevance, as it aligns with the allegations of misappropriation of physical cash from the branch. Furthermore, various customer complaints and corresponding transaction records corroborate the unauthorized debits and fund transfers from accounts such as those held by Omaxe New Amritsar Developers Pvt. Ltd., Rani Devi and Amarjeet Kaur. Moreover, statements of witnesses recorded during the investigation further confirm the breach of established banking protocols and indicate the petitioner's active involvement and knowledge of the irregularities, all of which collectively support the prosecution's case.*
>
> *THE ROLE OF THE PETITIONER*
>
> *15. That the role attributed to the petitioner in the present case/FIR No. 16 (supra) is that he was an employee at Axis Bank's Bansepur Branch, functioning as joint custodian of the cash vault and an authorized user of the bank's transaction system through biometric authentication. It is submitted that serious and specific allegations have been leveled against the petitioner, who was hand in glove with the other co-accused in a clandestine and deep-rooted conspiracy. Along with the main accused, namely Manager Gaurav Sharma, the petitioner duped various account holders of Axis Bank, Branch Bansepur, amounting to 11 Crores approximately. In the alleged fraud, the petitioner acted as an "inputter/enterur," entering unauthorized financial transactions into the banking system, which required second-level biometric verification by Branch Manager Gaurav Sharma, who allegedly colluded with the petitioner. The petitioner knowingly facilitated these unauthorized transactions without any customer presence or mandate and failed to report them to higher authorities. His active and knowing participation formed a critical link in the chain of fraudulent activities."*

8. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 16 of the bail petition, the petitioner has been in custody since 14.02.2024. Per the custody certificate dated 02.07.2025, the petitioner's total custody in this FIR is 01 year, 04 months and 11 days. Given the penal provisions invoked viz-a-viz

pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

14. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

15. ***This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel***

<u>this bail.</u>

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

31.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.