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

**CRM-M-34066-2025
Reserved on: 08.09.2025
Pronounced on: 24.09.2025**

AMANDEEP SINGH @ AMANDEEP ...PETITIONER

VERSUS

STATE OF PUNJAB …RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Imraan Farooqi, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
72	24.11.2023	Taragarh, District Pathankot	420/120-B IPC wherein charges have been framed against the petitioner u/s 409 and 120 IPC by the trial Court vide order dated 23.05.2025

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 20 of the bail petition and 10(H) of the status report, the petitioner has no criminal antecedents.

3. The facts and allegations are being taken from the translated version of FIR annexed with the petition as Annexure P-1, which reads as follows:

> *"To, the Hon'ble Senior Superintendent of Police, Pathankot. Sir, Subject: Application for not receiving of FD. Sir, it is requested that I, Richa Saini wife of Sh. Rajesh Kumar, am resident of village Bharial, post office Rattangarh, Tehsil and district Pathankot. On 13.10.2023, I along with my husband came at Canara Bank Begowal branch Taragarh to make FD, in which regard, I had given him two cheques, cheque NO. 602432 and cheque No. 602431 of Rs. 4.00 lacs and Rs. 5.00 lacs, respectively of my account no. 2086101021886 and two cheques were in the name of my husband Rajesh Kumar and the said cheques No.243510 and cheque No. 243511 of Rs. 5.00 lacs and Rs. 4.00 lacs, respectively of account Number is XXXXX10221507 and on 13.10.2023 when I went to the bank to make FD then the bank officials told us to come on next day and we had given our duly signed cheques to the employees of bank and on next day when we reached in the bank then the employees of bank have made false excuses that the FD will be given to you within two days and they kept on*

making excuses under one pretext or the other till 25.10.2023 and thereafter the Bank Manager told us that you come on 26.10.2023 to get your FD and at 9.30 AM I received phone call of bank that you come to the bank and when we arrived in the bank then we came to know that the employees of the bank has cheated us.You are requested that strict legal action be taken against the said employees of bank and our FD be returned to us from them and justice be provided to us. The copy about the detail of amount and the complaint given to the bank is enclosed herewith."

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 Sessions 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 reply.

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

"The Status Report mentioning the following details under the following headlines are:
A. The amount and or/ value of the proceeds of the crime involved in this FIR *The total amount proceeds in the FIR is Rs. Sixty-Eight Lac Seventy Thousand (Rs.68,70,000) as per the Bank Statement & Bank Copy.*
B. The amount and or/ value of the proceeds of the crime involved in this FIR attributed to the Petitioner
The amount of crime proceeds attributed to the petitioner is Rs. Sixty-Eight Lac Seventy Thousand (Rs.68,70,000) in total as per the Bank Statement & Bank Copy. As per Enquiry report, the bank employee namely ***Amandeep Singh @ Amandeep (Petitioner)*** *had committed the Fraud and he had transferred the amount of account of Richa Saini (complainant) & others to various bank accounts*
C. The amount/value of proceeds of Crime involve in this FIR which have been recovered and or frozen
That During the Arrest/Joining of the investigation the Present Petitioner did not recover any amount
D. The Amount/value of the proceeds of Crime involve in this FIR, which have been recovered from the Petitioner and/ or frozen of the petitioner
That During the Arrest/Joining of the investigation the Present Petitioner did not recover any amount.
E. The Evidence based on which the petitioner was arraigned as an accused:
That a complaint was moved by Richa Saini on dated 27.10.2023 to SSP Pathankot, wherein she had stated that she had visited at Canara Bank,

> *Branch Begowal, Taragarh, District Pathankot on dated 13.10.2023 along with her husband for getting prepared FD (Fixed Deposit) for an amount of Rs. 5 Lakhs. In order to open the FD, he issued 2 cheques bearing No. 602432 & 602431 of Rs. 4 Lakh & 5 Lakh of A/c No. 20861011021886 which is her account. Similarly, they issued 2 more cheques bearing No. 243510 & 243511 of Rs. 5 Lakh & 4 Lakh respectively of A/c No. 20861010221507 which is in the name of her husband Rajesh Kumar R/o Village Bharyal. The complainant further stated that the Amandeep Singh @ Amandeep (Present Petitioner) asked her to visit on next date and they will issue the FD (Fixed Deposit). Thereafter, when she visited on next day, the Petitioner lingered the issuance of FD (Fixed Deposit) on one pretext or another till 25.10.2023. Thereafter Bank Manager assured that they will get prepared FD till 26.10.2023. Then on dated 26.10.2023, the complainant received a telephone Call, whereby she informed by the Bank Manager that a fraud is committed with the Bank.*
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> ***G. The Role of Petitioner :-***
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> *That on the basis of Complaint and Enquiry & investigation : made, the petitioner being Bank Employee 114116 (Single Window Operator Clerk) Canara Bank Branch Code 2086 has done fraud by transferring amount worth Rs. Sixty Eight Lac Seventy thousand in different bank accounts from various bank accounts to the accounts of other co-accused. The co-accused in the FIR have facilitated the Petitioner for deposit of amount in their bank accounts."*

REASONING:

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 04 of the bail petition, the petitioner has been in custody since 11.03.2025. Per the custody certificate dated 06.09.2025, the petitioner's total custody in this FIR is 01 year, 11 months and 11 days.

9. The petitioner, who was working in a bank and was entrusted with the trust of the people to keep their money safe, instead misappropriated the same. However, be that as it may, the petitioner has already undergone pretrial incarceration for one year, 11 months, and 11 days, which is more than sufficient in light of the nature of the offenses and the amount involved.

10. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.[1]In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.[2] Personal liberty is a very precious fundamental right and it should

1 Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

2Supreme Court of India in State of Kerala v. Raneef, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.[3] Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.[4] When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.[5]

11. Given the above, 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 further pre-trial incarceration at this stage.

12. 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.

13. Given the 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 or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

14. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

15. 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)	

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

17. 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,

3 Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

4 Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

5 Supreme Court of India in Sanjay Chandra v. CBI , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

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.

18. 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.

19. 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 this bail.

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

21. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025), in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

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

(ANOOP CHITKARA)
JUDGE

24.09.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.