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

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**CRM-M-33733-2025 (O&M)
Date of decision: 17.12.2025**

Ram Kumar Prasad ...Petitioner(s)

VERSUS

State of Haryana ...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- None.

ASI Pawan Kumar.

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VINOD S. BHARDWAJ, J. (Oral)

1. This first petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.71/2023 dated 15.02.2023, registered under Section(s) 420 of the Indian Penal Code, 1860 at Police Station Model Town, District Rewari.

2. Lawyers are abstaining from work on account of a call from the High Court Bar Association.

3. Briefly summarized, the facts of the present case as mentioned in paragraph No.2 of the order dated 28.03.2025 passed by the trial Court, reads thus:-

> *"2. The case of the prosecution was launched on the complaint of Malhi W/o Rohtash, R/o Asalwas, P.S.-Kasola, District-Rewari (hereinafter referred to as complainant), who*

averred therein that on 21.11.2009 she and her husband had got opened a joint bank account bearing no. 062601502704 with ICICI Bank, Branch-Brass Market, Rewari in a camp set up by the officials of the bank employees in their village as land of villagers had been acquired by HSIIDC and the complainant and her husband had done transaction of only Rs. 5,000/- in the same since the time the said bank account was opened and apart from the same no transaction was ever done by them in the said bank account. It has been further averred by the complainant that her husband namely Rohtash had expired on 15.09.2012 and she is an old aged illiterate lady of 72 years. It has been further averred by the complainant that the bank employees of the aforementioned bank in collusion with each other under took fraudulent transactions to the tune of Rs. 2 to 2.5 crores in the aforementioned bank account for the period from 2010 to 2015 and she came to know about the same only when she received notice from income tax department. It has been further averred by the complainant that despite the death of her husband on 15.09.2012 the bank employees kept on making transactions in the aforementioned joint account without the notice and knowledge of the complainant. It has been further averred by the complainant that after she came to know about the said transaction, her son Kanwar Singh sent a *legal notice to the concerned Bank Manager and also requested him to provide the relevant information, however the Bank Manager did not pay any heed to their requests or to the legal notice. It has been further averred by the complainant that she also moved a complaint in this regard with CM window for taking necessary action against the culprits. On basis of this complaint, the present FIR was registered and investigation was carried out and the abovenamed applicant/accused was arrested".*

4. It has been averred in the present petition that the petitioner has been falsely implicated in the case at hand. It is contended that the petitioner was merely an employee of ICICI Bank during the period from December 2009 to April 2014 and was serving in the capacity of Branch Operations Manager. According to the prosecution version itself, the transactions in question were carried out through the bank account of the deceased and there is no allegation to suggest that the account holder was deprived of any money or suffered any financial loss on account thereof. It is further stated that the initiation of criminal proceedings followed the issuance of a notice by the Income Tax Department to the family, pertaining to certain transactions reflected in the account of the deceased. It is further contended that the essential ingredients of the offence punishable under Section 420 of the Indian Penal Code, 1860 are not attracted in the present case, inasmuch as there is no allegation of deception resulting in delivery of property or of

any wrongful loss having been caused to the complainant. It is further argued that no recovery whatsoever has been effected from the petitioner, that the case is triable by a Magistrate, that the petitioner has already undergone actual custody of nearly 9 months and he does not have any other criminal antecedents. Thus, he deserves the concession of regular bail in the present case.

5. ASI Pawan Kumar, Investigating Officer, contends that the petitioner facilitated the sale of gold by routing the consideration through the aforesaid bank account, by accepting money from willing buyers into the said account and thereafter effecting the sale of gold through the same channel. Hence, such transactions resulted in concealment of income by the beneficiary. It is further averred that the trial is proceeding at a fast pace, that there is no undue delay in adjudication and that out of a total of 17 prosecution witnesses cited, 12 witnesses have already been examined.

6. Taking into consideration aforesaid facts and circumstance s including the fact that it is a Magisterial trial wherein the petitioner has already undergone an actual custody of nearly 9 months, his clean antecedents and bearing in mind that the conclusion of the trial is likely to take a long time, I deem it fit to allow the instant petition.

7. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

17.12.2025
Mangal Singh

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