

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53270-2024
Reserved on: 06.02.2025
Pronounced on: 14.02.2025

Vineet Kumar Yadav ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sanjeev Kumar Bawa, Advocate
for the petitioner.

Ms. Harpreet Kaur, A.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
336	20.12.2022	Sector-17, Faridabad	66 of IT Act and 420 IPC (Section 409, 120-B IPC added at the time of presentation of final report) (Charges were framed under Section 420, 120-B IPC and 66 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. In the bail application, the petitioner is silent about criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“1. That the present case bearing FIR No. 336 dated 20.12.2022 U/s 420 IPC (Section 409 and 120-B IPC were added on 11-12-2023) and Section 66 IT Act was registered at Police Station Sector-17, Faridabad on the basis of a complaint made by Sh. Susheel Kumar, Regional Manager, Bank of Baroda, Faridabad.

The complainant stated and raised allegation against 1. Vineet Kumar Yadav, Staff Special Assistant employee of Bank of Baroda, Faridabad Branch (Petitioner) 2.Madhusudan Khandelwal, Bank account No.561801/332, 3. Ram Dayal Account No.561801/531, 4.Mrs. Reena Yadav, wife of Vineet Kumar Yadav and others regarding conspiracy, causing siphoned of amount to an extent of Rs.88,93,15,770/- as on 22.09.2021 and corresponding wrongful

game to themselves.

Mr. Vineet Kumar Yadav being employee of Bank of Baroda posted at Sector-14, Faridabad Branch (Now merged with Sector-16, Faridabad Branch) had fraudulently debited the savings bank and current accounts of various customers on the false pretext of deduction of various kinds of charges like minimum balance charges, DCARD Fee, SMS alerts, NACH Return charges etc. Hence, the present case was registered. The copy of the FIR has been annexed as Annexure P-1 by the petitioner.

2. That during investigation, it revealed that Vineet Kumar Yadav (Petitioner) was employee of Bank of Baroda, who committed fraud of Rs.88,93,15,770/- from various customers/account holders of saving account and current account on the pretext of minimum balance charges, DCARD Fee, SMS alerts, NACH Return charges etc.

3. The petitioner/accused Vineet Kumar Yadav withdrew an amount of Rs.65,13,15,770/- from the account of various persons and said amount was deposited/transferred in account No.56180100000332 in the name of Madhusudan Khandelwal and account No.56180100000531 in the name of Ram Dayal.

4. That the petitioner/accused transferred the above amount in the joint account of Reena Yadav and Vineet Kumar Yadav (Petitioner) in joint account No.56180400000018 and 56180100001111. Some of the amount was received from the account of Ram Dayal in cash.

5. That petitioner/accused Vineet Kumar Yadav used HTTUM, Menu for this criminal act as he had knowledge of the same. The Menu amount is used for bulk transfer. The bank system allow the staff member to use HTTUM and Menu.

6. That the accused Vineet Kumar (Petitioner) committed embezzlement of Rs.9,50,000/- from the current account No.01080200001200, which pertains to HUDA, KARNAL PINJORE EMD FINANCE current account. The Petitioner/accused also committed embezzlement of Rs.14,30,000/- from the account No.01080200001112 which pertains to clearing collection account bank of baroda branch, Faridabad.

7. That the petitioner/accused transferred said amount Rs.23,80,000/- in the joint account of Reena Yadav and Vineet Kumar himself in joint account No.56180100001111. In this manner, the petitioner/accused embezzled an amount of Rs. 88,93,157.70/-.

8. That during investigation, the statements of witnesses were recorded. The record from the bank was taken. The petitioner/accused was arrested on 11.12.2023. The co-accused Smt. Reena Yadav was joined in investigation on 27.12.2023, whereas, the remaining persons Madhusudan and Ram Dayal have not been arrested so far.

9. That during interrogation, the petitioner/accused Vineet Kumar suffered his disclosure statement and disclosed that some blank papers signed by customers were available for opening saving account alongwith identity proof which were filed up by the petitioner/accused by his own handwriting out of those one form was of Madhusudan Khandelwal and second of Ram Dayal. The

petitioner/accused used the account of Madhusudan Khandelwal and Ram Dayal and made transaction in these accounts. The Disclosure statement of the petitioner/accused is being annexed as Annexure R-I.

10. That during investigation, it also revealed that Vineet Kumar Yadav (Petitioner) also used the bank ID of some bank employees during the transaction of amount.”

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

REASONING:

6. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Nothing is to be recovered from his possession. The petitioner is in custody since 11.12.2023.

7. State counsel submits that the petitioner has committed crime against the customers of the bank by allegedly deducting their amounts from the accounts under the cover of minimum balance charges, SMS Alerts etc.

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 18 of the bail petition, the petitioner has been in custody since 11.12.2023. Per the custody certificate dated 04.02.2025, the petitioner's total custody in this FIR is 01 year 01 month and 24 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie 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. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

15. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

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

14.02.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.