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

276 **CRM-M-54121-2025**
Date of Decision : 19.12.2025

RAJDEEP SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. G.S.Saini, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

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AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of anticipatory bail under Section 482 BNSS, has been filed by petitioner, an accused in case bearing FIR No.0028 dated 13.03.2025 registered against him at Police Station Kamboj, District Amritsar (Rural), for the commission of offences punishable u/s 316(5), 318(4) of BNS (Sections 338, 336(3), 340(2), 61(2), 238 of BNS added later on).

2. Relevant facts as can be inferred from the documents on record are noticed hereinbelow:-

Sourabh Bhatia, Branch Manager, HDFC Bank Limited Amritsar, Majitha Road, VPO Naushera, Tehsil and District Amritsar, set the criminal law in motion by filing a complaint against PB sales Bobby Mani, (Employee Code B10989), after having received a call from Sh. Manpreet Singh, an account holder in HDFC Bank, who requested to enquire about withdrawal of Rs.4 lakhs from his account on 07.03.2025. Immediately thereafter, accounts were checked and it was found that one of the employee, namely, Bobby Maine, son of Sanjay

Kumar Maine, had transferred the funds in his own account bearing No. 027392000009973 with 'Yes Bank'. When the employee was cross-questioned, he admitted having defrauded many customers of the bank and in all misappropriating Rs.23 lakh. Enquiry further revealed that the aforesaid employee was habitual of transferring funds in his own accounts, which he held in Yes bank, PNB, etc., as also in the account of one of his friend, namely, Bablu with PNB Bank. He also confessed that he used to invest the said money in the share market but had suffered huge losses. His family members were called and the entire facts were brought to their notice. Sh. Sanjay Kumar Maine, father of Bobby Maine gave the bank authorities an authority letter authorizing them to debit Rs.4.66 lakh from his account. Based on the said letter, Rs.4 lakhs were credited in the account of Manpreet Singh and remaining Rs.66,000/- were credited in the account of another customer, namely, Gurdial Singh, who had also complained on similar lines. Details of the various customers collected during the course of enquiry, who had also been deprived of their hard earned money was mentioned in the complaint.

Towards the end, it was pointed out that statement of accounts of various customers were looked into, which revealed that Bobby had indulged in frequent fraudulent withdrawals from the accounts of customers and had misappropriated the money for his own personal wrongful gain.

On the basis of the said complaint, a formal case vide FIR No.0028 dated 13.03.2025, u/s 316(5), 318(4) of BNS (Sections 338, 336(3), 340(2), 61(2), 238 of BNS added later on), was registered.

On 13.03.2025, co-accused Bobby Maine was arrested. During interrogation, he confessed to his involvement in the commission of offence and disclosed that he was posed as Assistant Manger, Naushera Branch, Amritsar of HDFC Bank and was allocated loan, insurance, FD duty as he had invested money in the share market and has suffered loss, he needed more money and thus, started crediting the cheque amount of customers of HDFC bank in his personal account, as also in the account of his trusted friends, instead of opening FDRs of the customers. He also disclosed the names of various customers and the details of the amounts illegally withdrawn by him as follows:-

(i) Rs.2,50,000/- of Jaimal Singh

(ii) Rs.2,00,000/- of Deep Nishu

(iii) Rs.3,400/- of Gurdial Singh

(iv) Rs.4,00,000/- of Angrej Singh

(v) Rs.4,00,000/- of Manpreet Singh

(vi) Rs.10,00,000/- of Sukhwinder Kaur

(vii) Rs.4,00,000/- of Navpreet Singh

During the course of investigation, complainant Sourabh Bhatia presented the photocopies of cheques, account statements, fake FDs, complaint letters of the various customers which were taken into possession. On the basis of incriminating material collected, **Rajdeep Singh (present petitioner)** and one Bablu Singh were also nominated as co-accused. It also came to the notice of the Investigating authorities that money from the accounts of various customers of the Naushera Branch, Amritsar of HDFC Bank had been transferred in the account bearing No.37711471617 of the petitioner in SBI Branch, Putligarh, Amritsar. In all Rs.16 lakhs were deposited in the account of petitioner from the accounts of various account holders. Admittedly, investigations qua co-accused

Bobby Maine and Bablu Singh are complete, for challan has been filed against them.

3. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail. The same was dismissed by the learned Additional Sessions Judge, Amritsar, in terms of order dated 24.04.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner, whose name did not figure in the FIR, has been nominated as an accused only on the basis of disclosure statement of co-accused Bobby Maine, who stated that he had allegedly transferred Rs.16 lakh in the bank account of the petitioner. Learned counsel further contends that present petitioner and main accused - Bobby Maine have been known to each other. Petitioner was not aware as to in what context his friend Bobby Maine is transferring money in his (petitioner's) account. Further, the amount credited in account of petitioner stands transferred in some other accounts, the details of which were disclosed by Bobby Maine. Learned counsel next vehemently contends that there is no sufficient incriminating material, as of now, to indicate that petitioner was hand in gloves with Bobby Maine. Moreover, the presence of petitioner is not needed for custodial interrogation, for nothing is to be recovered from him, who is nonetheless, willing to join the investigation as and when called by the Investigating Officer. Prayer for grant of pre-arrest bail has been made.

5. *Per contra*, while opposing the petition, learned State counsel submits that on receipt of complaints from many customers of Naushera Branch, Amritsar of HDFC Bank matter was enquired into, when it came to the notice of Senior Bank Officers that Bobby Maine, Employee Code - B10989, who was in

the said Branch, used to fraudulently transfer the amount deposited by the customers in their accounts, to his own accounts in ‘PNB’, ‘Yes Bank’, etc., as also in the accounts of his other friends (including the petitioner) in various banks. In all, Bobby Maine in conspiracy with petitioner and co-accused Bablu had defrauded various customers of HDFC Bank (Naushera Branch, Amritsar) of Rs.1,37,23,000/-. After the FIR was lodged, police authorities investigated the matter, collected the statement of accounts of those customers, who had been defrauded, as also that of Bobby Maine, when it came to their notice that approximately Rs.16 lakhs had been credited to the account of petitioner bearing No. 37711471617 in SBI Bank, Putligarh Branch, Amritsar. Only on the basis of statement of accounts and other incriminating documents, petitioner was arrayed as co-accused.

The *modus operandi* of Bobby Maine also came to lime light, who was clever enough not to deposit the cheated amount in his own account directly, rather he used to deposit the amount in the accounts of two of his accomplices i.e. present petitioner and one Bablu Singh, both of whom used to re-transfer the money either to his (Bobby Maine) or to the accounts of his relatives.

It is further the submission of learned State counsel that the plea taken by petitioner that he was not aware of the context in which the money was being deposited in his (P’s) account from the accounts of various account holders of Naushera Branch of HDFC Bank, deserves not be taken note of, for no explanation has been rendered by him in this context, further it also remains inexplicable as to why later, he (P) re-transferred the money to the accounts of relatives and other known outs of accused Bobby Maine. Thus, as per learned State counsel, when viewed in the light of role played by the petitioner, no case for grant of pre-arrest bail is made out, for custodial interrogation of petitioner is needed to throw light on the intricacies of the case.

6. I have heard learned counsel for the parties and perused the documents available on record.

7. Before expressing any opinion on the submissions raised by learned counsel of the parties, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "***P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)***, has observed as under:-

> "67. *Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy."*

Hon'ble the Supreme Court while deciding the case titled as ***"Ms. X Vs. The State of Maharashtra and another", (2023 SCC Online SC 279)*** held as under:-

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"11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.

*12. In **Prasanta Kumar Sarkar's case (supra)** **__(Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another)__**, a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-*

"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;

(ii) nature and gravity of the accusation;

(iii)severity of the punishment in the event of conviction;

(iv)danger of the accused absconding or fleeing, if released on bail;

(v) character, behaviour, means, position and standing of the accused;

(vi) likelihood of the offence being repeated;

> *(vii) reasonable apprehension of the witnesses being influenced; and*
> *(viii) danger, of course, of justice being thwarted by grant of bail."*

In ***"Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another" (2025 AIR SC 3375)***, the Hon'ble Supreme Court held that *"Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner."*

Factual aspects leading to the lodging of the FIR have already been noticed in para 2 of this order. In view of submissions raised by learned State counsel, the manner in which the innocent account holders of Naushera Branch, Amritsar of HDFC Bank were divested of their hard earned money, the role played by petitioner, the Court is of the opinion that petitioner has failed to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extra ordinary relief of pre-arrest bail. Custodial interrogation of petitioner is needed to find out as to how many persons have been defrauded and who all are involved in this racket.

Accordingly, the present petition stands dismissed.

(AARADHNA SAWHNEY)
JUDGE

19.12.2025
Nisha Yadav

Whether Speaking/reasoned *Yes/No*
Whether Reportable *Yes/No*