

CRM-M-63767-2024 (O&M) -1-

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH
CRM-M-63767-2024 (O&M)
Date of Decision: 07.01.2025

JASBIR SINGH
V/S
...Petitioner

STATE OF PUNJAB
...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Yashjot Singh Dhaliwal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This is the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking grant of regular bail to the petitioner in case bearing FIR No. 130 dated 21.05.2024 registered under Sections 406, 409, 420 of Indian Penal Code at Police Station Kharar/Gharuan, District SAS Nagar.
2. The FIR(supra) was registered on the receipt of letter from District Manager, Cooperative Bank, Phase-II, Mohali, in which it was averred that Jasbir Singh, Assistant Manager, Branch Gharuan (petitioner herein) had misused his position while working at Branch Gharuan and has misappropriated Rs. 11,40,000/- of the customers by illegally debiting the amount from their accounts. He had earlier committed fraud in Branch Sialba regarding which FIR No. 26 dated 08.05.2024, Police Station Block Majri had already been registered. During verification of accounts in

**CRM-M-63767-2024 (O&M)****-2-**

Gharuan Branch, it was found that in the account of Gurbinder Singh, an amount of Rs. 2 lacs was deposited on 16.04.2024 and there was corresponding entry in the passbook but in the computer system, there was no such entry and on 19.04.2024, Rs. 5,50,000/- had been transferred from the said account regarding which there is no document regarding the said debit from the above said account and the customer had complained that he has not transferred the said amount. Similarly, from the account of Supinder Kaur, an amount of Rs. 5,90,000/- has been debited on 19.04.2024 and there was no entry in the passbook but there was debit entry in the system. The customer has complained that she had not transferred any such amount. Hence, the amount of Rs. 11,40,000/- has been illegally withdrawn from the accounts of above customers without their consent and the said amount has been transferred into the account of Kalawati in Sialba branch. There was no voucher available in branch office Gharuan regarding the above said entries. Hence, fraud has been committed by said Jasbir Singh, Assistant Manager. On the basis of aforesaid allegations, FIR(supra) was registered.

3. Learned counsel for the petitioner *inter alia* contends that amount in question has already been deposited in the account of victims and case of the prosecution is entirely based upon the documentary evidence and there is no material available on record with regard to any fraud being committed by the petitioner. Further, the investigation of the case is complete and on the same set of allegations, one more FIR bearing No. 26 of 2024 has already been registered at Police Station Majri and the present case is triable by Magistrate and petitioner has already been in custody for the last more than 06 months and learned counsel further



CRM-M-63767-2024 (O&M)

-3-

submits that two FIRs have been registered against the petitioner in complete violation of provisions contained in Cr.P.C.

4. Per contra, learned State counsel filed the custody certificate, which is taken on record and opposes the prayer made by learned counsel for the petitioner on the ground that petitioner is a habitual offender and he has duped two poor persons and another FIR of embezzlement is to the tune of Rs. 2 crore is also pending against him.

5. Having heard the learned counsel for the parties and after perusing the custody certificate, it transpires that petitioner is behind the bars since 08.06.2024 i.e. for a period of 06 months and 29 days and out of total 10 prosecution witnesses, none has been examined. Culpability, if any, would be determined at the time of the trial.

A two Judge Bench of Hon'ble Supreme Court in 'Satender Kumar Antil v. CBI' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can

**CRM-M-63767-2024 (O&M)****-4-**

never be an impression that it is a police State as both are conceptually opposite to each other.”

6. In view of the above, the present petition is allowed and the petitioner-Jasbir Singh is ordered to be released on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

07.01.2025
Ajay Goswami

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*