IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(107) **CRM-M-36661-2026 (O&M)**
Date of decision : 09.07.2026

HARBANS SINGH **... Petitioner**

Versus

STATE OF PUNJAB **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Surinder Thakur, Advocate for the petitioner

Ms. Ruchika Sabherwal, Senior DAG, Punjab

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MANISHA BATRA, J. (ORAL)

1. The instant petition has been preferred by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for grant of anticipatory bail in case arising out of FIR No.7 dated 13.02.2025 registered under Sections 419, 420, 465, 467, 468, 471 of IPC at Police Station Talwandi Bhai, District Ferozepur.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the Manager of the Punjab National Bank Branch Talwandi Bhai, alleging therein that one Harbans Singh son of Dalip Singh, resident of Dodhian Wali Gali, Talwandi Bhai, District Ferozepur, having a saving account No.00972010009360 with the Bank. Four FDRs of different amounts of money were got issued qua this account. It was alleged that the present petitioner, who is having the same name and whose father's name was also Dalip Singh, while pretending himself to be the original account holder of the aforementioned bank account and by showing PAN card bearing the same

number which was the number of PAN card of the aforementioned account holder withdrew a sum of Rs.1,07,000/- in cash from the account of the original account holder. The bank officials could not suspect his identity. Some time thereafter, he again visited the Bank and by projecting that his 04 FDRs had been misplaced and that he wanted to get those FDRs accounts closed, he asked the Bank officials to issue duplicate FDRs. He even submitted indemnity bonds with the complainant-Bank on 12.03.2024 to this effect. On the basis of the same, total amount of those FDRs which came to be Rs.10,78,656/- was transferred into the saving bank account of the original account holder Harbans Singh and the petitioner got transferred the amount of Rs.8,76,000/- fro the said account in his own bank account which was operated with Punjab National Bank, Branch Bhagta Bhai Ka, Ferozepur. That apart he withdrew an amount of Rs.2,00,000/- in cash on 12.03.2024 itself. The fraud came to the notice of the complainant Bank later on. The petitioner was asked to return the amount of Rs.11,85,656/-. On his refusal, reverse entry of the amount transferred in his bank account was made and the said amount was credited into the bank account of the original account holder. However, the amount of Rs.3,16,249 was still payable by the petitioner which he refused to pay.

3. After registration of FIR, investigation proceedings were initiated. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which has been dismissed by the Court of Learned Additional Sessions Judge, Ferozepur vide order dated 15.04.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, he is maintaining an account with Punjab

National Bank, Branch Bhagta Bhai Ka, District Ferozepur. He had gone to the said branch for withdrawal of amount credited in his account under the MGNREGA Scheme. On checking his account, he was informed by the Bank officials that another account bearing his name and parentage was maintained at Talwandi Bhai Branch, Ferozepur and the amount was lying therein also belonged to him and further that he was entitled to operate the same and withdraw the amount lying therein including the amounts invested in FDRs. He was advised to complete the formalities required for the same. While acting upon the advice of the Bank officials, he had completed the formalities by submitting his original Aadhar card, PAN card and signing some forms and papers. He is an illiterate and elderly person and was under the genuine impression that the account belonged to him. After withdrawal of amount from the bank account maintained in his name at Talwandi Bhai Branch, subsequent credit of amount of money into his account had occurred only on account of information and advice extended by the Bank officials. There is no question of his impersonating any other account holder or exploiting the similarity. There was also no question of managing to get his customer ID linked or matched with the account at Punjab National Bank, Talwandi Bhai Branch. The linkage of the customer ID was entirely a banking process undertaken by the Bank officials. The Bank itself had reversed a substantial part of amount from the petitioner's account maintained at Bhagta Bhai Ka Branch and no objection whatsoever had ever been raised by him. Rather his own bank account has been frozen. The incident took place on account of lapses committed by the officials of the Bank and not by him. The ingredients for commission of subject offences are not at all attracted qua him. He is ready to join investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that the petition deserves to be allowed.

5. Notice of motion.

6. Learned State counsel has advance notice of the petition and has submitted that the allegations against the petitioner are serious in nature. An amount of Rs.3,16,249/- is to be recoverable from him. He by impersonating himself as an holder of bank account No.00972010009360 operative at Talwandi Bhai branch and by taking advantage of the fact that this account was operative under the same name and same parentage, had got transferred and withdrawn an amount of Rs.11,85,656/-. For the purpose of conducting thorough investigation in the matter, his custodial interrogation is must. There is no exceptional or extra-ordinary circumstance for extending benefit of pre-arrest bail to him. It is, therefore, argued that the petition does not deserve to be allowed.

7. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

8. The petitioner is alleged to have impersonated himself as account-holder of bank account operative at Talwandi Bhai Branch of Punjab National Bank and to get transferred/withdrawn an amount of Rs.11,85,656/- in his bank account. The allegations against him are serious in nature. The case is at its nascent stage. It is well settled that anticipatory bail to an accused can be granted in exceptional circumstances only as a person couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge.. It is well settled proposition of law that the powers for grant of pre-

arrest bail are to be exercised by the Court in extra-ordinary and exceptional circumstances and with great caution while taking into consideration the nature of the accusation and the sentence which the conviction may entail. In the instant case, no such exceptional or extra-ordinary circumstance is, however, made out from the pleas as taken by the petitioner. For the purpose of conducting thorough and proper investigation custodial interrogation of the petitioner is must. Taking into consideration the above discussed facts, this Court is of the considered opinion that the petition deserves to be dismissed. Accordingly the same is dismissed.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

10. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

09.07.2026 **Whether speaking/reasoned:- Yes/No**
Amit Sharma **Whether reportable:- Yes/No**