

Bharti Munjal VS State of Haryana

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**In the Court of Additional Sessions Judge, at Hisar
(Presided Over by Sh. Manglesh Kumar Choubey)**

CNR No.HRHS010053082026

CIS No. CRR-62-2026

Date of Institution: 30.04.2026

Date of Order: 03.08.2026

Present: Sh.Man Mohan Rai, learned counsel for the revisionist/
 accused.
 Sh.Raman Vats, learned Public Prosecutor for the State.
 Sh. Kuldeep Bedwal, learned counsel for respondent No. 2.
 Sh. Vikas Chanana, learned counsel for respondents No. 3,
 4, 5, 6, 8, 9, 10, 11, 12, 13 and 14.
 None for respondent No. 7.

ORDER:-

1. This is a revision petition against order dated 07.02.2026, passed by the Court of learned Chief Judicial Magistrate, Hisar. Vide the impugned order, an application under Section 190 of the Code of Criminal Procedure filed by the accused to take cognizance of offence against the named persons was dismissed.

2. Learned counsel for the revisionist has submitted that the accused was only a maker of the documents and without the involvement of checkers, the offence could not have been completed. Relying upon the authority in Dharam Pal and others Vs. State of Haryana and another,

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2013(3) RCR(Criminal) 787, he has submitted that the Magistrate has ample powers to summon and try any person against whom prima-facie case is made out on the basis of police report. He has submitted that this fact has not been properly appreciated and no reasoned finding has been recorded by the police. On these grounds, he has prayed that the revision petition should be allowed and the proposed accused should be summoned.

3. Learned Public Prosecutor for the State has submitted that after proper investigation, only the accused has been found to be guilty by the police and the application has rightly dismissed by learned Magistrate and the revision petition is liable to be dismissed.

4. Learned counsel for the proposed accused has reiterated the arguments of learned Public Prosecutor. He has submitted that except the accused charge-sheeted in this case, no other person (bank employee) is a beneficiary. The checkers kept on transferred by the bank and no mens rea was found to hold them guilty after investigation. The entire amount of more than ₹1.5 crores was misappropriated by the accused Bharti Munjal. Had there been any collusion between her and any other checker,

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it could have been unearthed during investigation, but no such embezzlement was found and therefore, no other person was made an accused in this case. He has next submitted that the persons in whose bank accounts the money was transferred are the relatives of Bharti Munjal. On these grounds, he has prayed that the revision petition should be dismissed.

5. Learned counsel for the State Bank of India and complainant in this case has supported the arguments of learned counsel for the proposed accused and has submitted that even during internal inquiry by the bank, the role of any other person was not discovered.

6. In the considered view of this court, the revision petition has merit though for a different reason. To a question as to why Section 13 of the Prevention of Corruption Act, 1988 is not attracted, none of the counsels or learned Public Prosecutor is in a position to answer in the negative. Section 13 of the Act provides that *if a public servant dishonestly or fraudulently misappropriates or otherwise converts to his own use any property entrusted to him or any property under his control as a public servant or allows any other person so to do* is said to commit

the offence of criminal misconduct. No one is claiming that the accused was not under control of the public money. No one is in a position to claim that the money involved in this case was a public money entrusted to the State Bank of India. No one is in a position to claim that the State Bank of India is not a public sector bank and an instrumentality of the state under Article 12 of the Constitution of India.

7. Under Section 2(c) of the Act, any person in the service or pay of the government or remunerated by the government by fees or commission for the performance of any public duty and any person in the service or pay of a corporation established by or under a Central or State Act or a body owned or controlled or aided by the government or a government company is a public servant. As discussed earlier, the State Bank of India is a corporation or authority or body by whatever named called and it is owned or controlled or aided by the Central Government. It is not in dispute that the accused is an employee getting paid by the State Bank of India. This being the case, there is no reason why Section 13 of the P.C. Act can not be attracted in this case. Accordingly, the revision petition is allowed without observing anything about the

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involvement of any bank employee in the alleged embezzlement as this order will automatically lead to fresh investigation by a competent police officer of a different rank than the earlier investigating officer. Copy of this order be sent to learned Trial Court as well as to the Superintendent of Police (Vigilance), Hisar for further proceedings, in accordance with law. It goes without saying that the investigation will involve the role of any other bank employee as well. Trial Court record be sent back and revision file be consigned to the record room.

Date of Order: 03.08.2026
Sanjeev Kr. Stenographer Gr.II

(Manglesh Kumar Choubey),
Additional Sessions Judge
Hisar/ UID No. HR00288

Note: This order consists of five pages and each page has been
duly checked and signed by me.

Date of Order: 03.08.2026
Sanjeev Kr. Stenographer Gr.II

(Manglesh Kumar Choubey),
Additional Sessions Judge
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Additional Sessions Judge,
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