

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

CRM-M- 11586 of 2015

Date of decision: 25.05.2015

Rohit Kumar

-----Petitioner (s)

V/s

State of Punjab

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. A.K. Khunger, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Rajesh Garg, Senior Advocate with
Ms. Virinder Devi, Advocate for the complainant.

HARI PAL VERMA, J(Oral).

Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.55, dated 19.02.2015, under Sections 408 IPC, registered at Police Station, Civil Lines, Amritsar City, Districy-Amritsar.

Learned counsel for the petitioner contends that in fact, without the association of Harinder Singh, petitioner could not operate the ATM machine and, therefore, he cannot be termed as an accused. Both i.e. the petitioner and Harinder Singh had different passwords.

On the other hand, learned Senior counsel while appearing on behalf of complainant i.e. M/s. Scientific Security Management Service Pvt. Ltd., submits that the petitioner succeeded in getting the confidence of Harinder Singh and got his password known to him. It is only after getting the password of

Harinder Singh, petitioner has committed fraud by loading less amount in different ATMs in a planned manner. Learned Senior counsel further submits that even said Harinder Singh is ready to cooperate with the Investigating Agency, as it is only the petitioner who has succeeded in committing fraud for an amount of Rs.25,13,500/-. Therefore, in fact the petitioner is an accused in the instant case and does not deserve the concession of bail.

Considering the fact that the petitioner after getting the password of Harinder Singh has succeeded in loading less amount in different ATMs, and, therefore, has committed fraud, no case for grant of anticipatory bail is made out.

Accordingly, the present petition is dismissed.

However, expression made here-in-above shall not be construed any expression on the merit of the case and the trial Court shall be at liberty to decide the case on the basis of available evidence.

May 25, 2015

Anjal

**(HARI PAL VERMA)
JUDGE**