

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12965 of 2015

Date of decision: April 29, 2015

Sunil

.... Petitioner..

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sansar Kundu, Advocate,
for the petitioner.

Mr. C.S. Bakshi, Additional Advocate General, Haryana,
for the respondent-State.

Jaspal Singh, J. (Oral)

This is a petition under Section 439 of the Code of Criminal Procedure preferred by Sunil (now confined in District Jail, Jind) seeking bail, in case bearing FIR No. 27, dated 28.01.2015, under Sections 420 and 406 IPC, registered at Police Station City Narwana, District Jind.

2. Briefly stated, allegations against petitioner are that he swapped ATM card from a person, who is a retired Principal of Arya Kanya Mahavidhalya, Narwana and successfully withdrew an amount of ₹52,000/- from his (Principal) saving account by two transactions.

3. The contention of learned counsel for petitioner is that petitioner is a victim of false implication and is not a previous convict. Though, FIR was registered on 28.01.2015 but he was arrested in this case on February 02, 2015. Since then, he is cooling his heels behind

the bars. Subsequent thereto, two more cases have already been foisted upon petitioner by the police. Challan has already been presented, disposal of which is likely to take sufficient long time. Petitioner is also ready to furnish bail bonds/surety bonds at the satisfaction of Court and also undertakes to abide by all the terms and conditions imposed by the Court, in case, he is granted concession of bail.

4. This petition for regular bail has been strongly opposed by Id. State counsel contending that he is not only involved in the instant case but two other cases of similar nature are also pending. In case, such a person is granted concession of bail, he would indulge in similar activities and is likely to cause harm and loss to the public.

5. This Court has given a deep thought to the rival submissions made by learned counsel for the parties and has perused the record available.

6. Undisputably, petitioner was arrested on February 02, 2015, on the allegation that he swapped ATM card and succeeded in withdrawing a total amount of ₹52,000/- from the saving account of complainant (a retired Principal). Petitioner has already been granted concession of bail as per the contention of learned counsel for petitioner. Since, investigation has been completed and report under Section 173 (2) Cr.P.C. has already been presented against the petitioner, he is not required for further investigation/interrogation. Certainly, disposal of challan is not likely in the near future.

7. Taking into consideration all these aspects of this case and without expressing any opinion on the merits of the case, this Court is of

the considered view that petitioner deserves concession of bail. Accordingly, petition is allowed and petitioner-Sunil is ordered to be released on bail, during pendency of trial, subject to his furnishing requisite bail bonds, at the satisfaction of Id trial court/Duty Magistrate, Jind.

April 29, 2015
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(JASPAL SINGH)
JUDGE