

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

CRM-M-42179-2015

Date of Decision: December 18, 2015

Parmod

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Manish Soni, Advocate
for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana.

.....

- 1. Whether Reporters of local papers may be allowed to see the judgment?***
- 2. To be referred to the Reporters or not?***
- 3. Whether the judgment should be reported in the Digest?***

NARESH KUMAR SANGHI, J.(Oral)

Prayer in this petition filed under Section 439, Cr.P.C.,
is for grant of bail to petitioner, who has been booked for having

committed the offences punishable under Sections 120-B, 408, 411, 419, 420, 467, 468, 471 and 480, IPC, in a case arising out of FIR No. 241, dated 08.05.2015, registered at Police Station, Palam Vihar, Gurgaon, District Gurgaon.

Learned counsel for the petitioner contends that even if the whole case of prosecution is taken at its face value, then also the gravamen of the offences for which he has been booked are not attracted; as per prosecution version, Vinod Kumar, brother of the petitioner, who is also co-accused, was feeding the ATMs of different Banks and deceitfully he withdrew the amount from the ATMS for his own use. Just to widen the array of the accused, the petitioner has been involved in the present case. He further contends that all the offences for which the petitioner has been booked are triable by learned Judicial Magistrate, First Class. The petitioner is behind the bars from 09.05.2015 and after completion of the investigation, the charge-sheet (challan) has been presented.

Learned counsel for the State has fairly conceded that except the disclosure statement of Vinod Kumar, the co-accused of the petitioner, there is no other direct evidence to suggest that

the petitioner was in conspiracy with his brother, Vinod Kumar, who had withdrawn money from the ATMs of different Banks. He further fairly concedes that the petitioner is behind the bars from 09.05.2015, and after completion of the investigation, the charge-sheet (challan) has been presented.

In view of the totality of the facts and circumstances of the case, the present petition is accepted. Petitioner-Parmod, aged about 27 years, son of Sh. Baljeet, resident of Village Garhi Chaju, Police Station, Samalkha, District Panipat, Haryana, is directed to be released on bail, during the pendency of the trial of the present case, subject to his furnishing bail bonds to the satisfaction of learned trial Court/Duty Magistrate, Gurgaon.

December 18, 2015
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(NARESH KUMAR SANGHI)
JUDGE