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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-2778-2016.****Date of Decision: 29.02.2016****VINOD****.....Petitioner****Vs****STATE OF HARYANA****.....Respondent****CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.**

Present: Mr. Manish Soni, Advocate,
for the petitioner.
Mr. Rajiv Doon, 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?*

TEJINDER SINGH DHINDSA, J.(Oral)

This order shall dispose of the present petition filed under Section 439 Cr. P.C. seeking benefit of regular bail to the petitioner pending trial in FIR No. 241 dated 08.05.2015 under Sections 408, 380, 419, 420, 467, 468, 478, 471, 120-B and 411 IPC, registered at Police Station Palam Vihar, Gurgaon, District Gurgaon.

Learned counsel for the parties have been heard at length.

FIR came to be registered on the statement of Sachin Dubey working as Branch Manager in Logi Cash, Noida. It was stated that the company was engaged in the business of feeding money in the ATM machines of various Banks i.e. Bank of Baroda, ICICI Bank, IndusInd Bank etc. The allegation is that on 07.05.2015, the company received an information that an amount of Rs. 19,27,000/-

(approximately) has been defalcated from the ATM machine of Bank of Baroda situated in Main Market, Palam Vihar, Sector-23, Noida. The present petitioner has been named on the basis that he used to feed the money in the ATM and was also having the password of the ATM machine.

The petitioner was arrested on 16.05.2015. Investigation in this case having been completed, challan was presented on 31.05.2015. Learned State counsel submits that till date charges have not been framed. The trial is as such at the very initial stage.

Even as per statement of the complainant, the other password pertaining to the ATM machine was with one Durgesh. Curiously, Durgesh is not even nominated as an accused.

It would be a matter of evidence during the course of trial as to whether one employee single handedly could defalcate funds from the ATM machine.

Learned counsel appearing for the petitioner has made a categorical submission during the course of arguments that in the final report submitted under Section 173 Cr. P.C. there is no CCTV footage showing the present petitioner to have withdrawn the money.

It is not even the case made out on behalf of the State that the petitioner would be in a position to influence/hamper the course of the trial if granted benefit of the regular bail.

Without making any observations on merit and keeping in view the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail. Petition is allowed. Petitioner

be enlarged on bail subject to satisfaction of the Chief Judicial
Magistrate/Duty Magistrate, Gurgaon.

Disposed of.

[TEJINDER SINGH DHINDSA]
JUDGE

February 29, 2016
Suresh Kumar