

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

Sr. No.204

CRM No.M-31824 of 2016

DECIDED ON: October 25, 2016

SUNNY @ NARINDER

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jagjit Gill, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Arpandeeep Narula, Advocate,
for the complainant.

JASPAL SINGH, J. (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioner-Sunny @ Narinder has sought pre-arrest feeling apprehension of his arrest in case FIR No. 555, dated July 30, 2016, under Sections 380, 454 & 506 IPC, registered at Police Station Sirsa City, District Sirsa, during the pendency of trial.

At the time of issuance of notice of motion on September 09, 2016, following order was passed:

“Inter-alia, it has been contended by learned counsel for the petitioner that the only allegation against the petitioner - Sunny @ Narinder is that he had stolen away ATM card belonging to the complainant and subsequently withdrew an amount of Rs.1.5 lacs from her account. Learned counsel further contends that all these allegations levelled by the complainant are absolutely false and petitioner has nothing to do with the same.

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In fact, the amount was withdrawn by the complainant herself. There is no CCTV footage of the ATM from where the alleged amount was withdrawn. Even no DDR with regard to commission of theft of ATM Card and other documents was also got registered by the complainant prior to the registration of the instant case.

Notice of motion for 25.10.2016.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on interim bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.”

However, it has been submitted by learned State counsel that petitioner has not recovered the amount of Rs.1.5 lacs which are stated to have withdrawn and other articles which have been stolen by him.

The amount is alleged to have been withdrawn from the ATM machine by using ATM card, but there is no CCTV footage showing the involvement of the petitioner at this stage, which is otherwise a matter of evidence.

Since, the petitioner has already joined the investigation before the trial Court.

Accordingly, order dated September 09, 2016 is made absolute and shall enure during the pendency of trial.

However, petitioner shall abide by all the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

October 25, 2016

Avin/Ankur

**(JASPAL SINGH)
JUDGE**

**Whether Speaking/Reasoned
Whether Reportable**

**Yes/No
Yes/No**