

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

**CRM No. M-33909 of 2016
DECIDED ON: SEPTEMBER 23, 2016**

DHARMINDER

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sandeep Arora, Advocate
 for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of this petition preferred under Section 438 Cr.P.C. petitioner has sought pre-arrest bail in a case bearing FIR No. 73 dated 21.04.2016 registered under Section 420 IPC, at Police Station Phagwara, District Kapurthala.

The instant case stands registered on the basis of written complaint made by Lekh Raj to Senior Superintendent of Police, Kapurthala on the allegations that on January 28, 2016 at about 5.15 PM, he had gone to Punjab National Bank, Phagwara for withdrawing the amount. Two persons entered into the ATM counter and exchanged his ATM card with another ATM card. Later on, he came to know that from his account, a sum of ₹25,000/- was withdrawn on 29.01.2016. Thereafter, again an amount of ₹25,000/- was withdrawn on 30.01.2016. Subsequently, it was transferred in the account

of the petitioner bearing A/C No. 2227000106372776. He further alleged that another sum of ₹48,000/- was withdrawn on different dates. The account in which the above-said amount was transferred belongs to Dharminder-petitioner and Rajni. Therefore, the said persons cheated him.

The contention of learned counsel for the petitioner is that petitioner is innocent and has nothing to do with the alleged offences. He has been falsely implicated in the instant case for the reasons best known to the complainant/investigating agency. He is also ready to join the investigation and undertakes to abide by all the terms and conditions imposed by this Court, in case he is granted the concession of pre-arrest bail.

This Court has given an anxious thought to the submissions made by learned counsel for the petitioner and has gone through the record.

Allegations against the petitioner are that he transferred a sum of ₹50,000/- on different dates from the account of the complainant to his account without the knowledge and consent of the complainant.

Just to unearth all the ramifications involved in the matter and the *modus operandi* undertaken by the petitioner in extracting the amount of ₹50,000/- from the account of the complainant to his account by way of ATM, custodial interrogation of the petitioner is essential. Thus, the petitioner does not deserve the concession of extra ordinary discretion envisaged under Section 438 Cr.P.C.

Dismissed.

SEPTEMBER 23, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned *Yes/No*

Whether Reportable *Yes/No*