

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

CRM-M-37197-2016 (O&M).

Date of Decision: 25.10.2016.

Fakir Chand

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Vaibhav Jain, Advocate for the petitioner.

Mr. Karan Sharma, Assistant Advocate General, Haryana.

SNEH PRASHAR, J.

CRM-32795-2016

Allowed, as prayed for.

CRM-M-37197-2016

This petition under Section 439 of the Code of Criminal Procedure (in short, "Cr.P.C.") was filed by the petitioner for grant of regular bail in case First Information Report No.53 dated 19.01.2016 registered under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code (in short, "I.P.C.") at Police Station Gurgaon City.

A complaint was sent to the police by the Branch Manager, State Bank of India, Shivaji Nagar, Gurgaon stating that one Madan Mohan, account holder, alleged that withdrawal of Rs.3,70,000/- (Rs.1,80,000/- on 04.11.2015 and Rs.1,90,000/- on 05.11.2015) had been made from his account whereas the said amount had not been withdrawn by him. On

perusal of C.C.T.V. footage, it was found that some other person had withdrawn the amount.

The submissions made by Mr. Vaibhav Jain, learned counsel representing the petitioner and Mr. Karan Sharma, Assistant Advocate General, representing the State of Haryana have been heard.

It was submitted on behalf of the petitioner that he has been falsely implicated in the present case by the bank officials only to save their own skin. He is in custody since 11.02.2016 and the case is at the stage of prosecution evidence. The trial of the case is likely to take some more time and no useful purpose would be served by detaining him behind the bars as nothing remains to be recovered from him. Learned counsel sought release of the petitioner on bail.

The petition was opposed by learned Assistant Advocate General, representing the State of Haryana. He filed custody certificate of the petitioner wherein it is mentioned that in addition to the present case there are 14 other cases of the similar nature pending against the petitioner, the details of which are as under:-

Sr. No.	F.I.R. No.	Date/year	Under Section	Police Station
1.	37	13.01.2016	380, 420, 467, 468, 471 IPC	City, Gurgaon
2.	534	19.11.2015	420 IPC	Badshahpur, Gurgaon
3.	316	2010	420, 468 IPC	Old Faridabad
4.	59	2012	420, 467, 468, 471 IPC	City, Bhiwani
5.	262	29.05.2012	420, 467 IPC	Civil Line, Rohtak
6.	316	2010	420, 406, 468, 471, 120-B, 380 IPC	Sector 31, Faridabad
7.	131	05.02.2015	419, 420, 467, 468, 471 IPC	City, Gurgaon

8.	300	12.04.2016	419, 420, 467, 468, 471 IPC	City, Gurgaon
9.	572	23.10.2011	420, 406, 467, 468, 471 IPC	City, Thanesar Kurukshetra
10.	295	06.05.2011	420, 406, 467, 468 IPC	City, Rohtak
11.	416	2015	420, 406, 467, 468, 471, 419 IPC	City, Gurgaon
12.	8	18.01.2012	420, 467, 468, 471, 419 IPC	Shahbad
13.	340	2016	420, 467, 468, 471, 419 IPC	City, Gurgaon
14.	366	2010	420 IPC	Old Faridabad

There was one more criminal case registered against him in which he has since been acquitted.

The trial of the case is in progress. Material witnesses are yet to be examined. Considering the conduct of the petitioner as is apparent from the custody certificate filed by the State, there is no ground to enlarge him on bail at this stage because there is every likelihood that he may misuse the concession given to him. Accordingly, the petition is dismissed.

(SNEH PRASHAR)
JUDGE

25.10.2016
jitender

Whether speaking/ reasoned : Yes

Whether Reportable : No