

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

**Crl. Misc. No.M-18485 of 2017 (O&M)
Date of Decision: May 30, 2017.**

Sushil Kumar

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashish Bakshi, Advocate
for the petitioner (s).

Ms. Bhavna Gupta, D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 51 dated 15.07.2015 registered for the offence punishable under Section 420 of Indian Penal Code, at Police Station Division No.6, Jalandhar.

Heard.

Notice of motion.

On asking of the Court, Ms. Bhavna Gupta, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

As per case of the prosecution, one Nitin Chhabra has played fraud with the bank with modus operandi that he will withdraw money from ATM by using card of petitioner and as soon the cash was dispensed, he quickly used to pull out the power plug of the machine and then lodge

claim of no transaction/failed transaction with the bank.

Learned State counsel submits that on receiving of intimation of no transaction/failed transaction, several entries of withdrawal/debit from the account of petitioner were reversed and the bank suffered total loss to the tune of ₹6,60,000/-, out of which amount of ₹1,60,000/- was reversed in the account of present petitioner.

Petitioner in this case has been arrested on 13.04.2017. Other accused are yet to be arrested. It is alleged that on the CCTV Camera, there is photo of co-accused Nitin Chhabra, who has been shown going towards back side of the ATM Machine for handling the cables.

Without expressing any opinion on merits of the case and keeping in view the facts that co-accused are yet to be arrested, the offence is triable by Magistrate and conclusion of trial will take considerable long time, the present petition is allowed. Petitioner Sushil Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of Illaqa/Duty Magistrate, Jalandhar subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

(SURINDER GUPTA)
JUDGE

May 30, 2017
Sachin M.

Whether speaking/reasoned: **Yes/No**

Whether Reportable: **Yes/No**