

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

**CRM No.M-37602 of 2016 (O&M)
Date of Decision: 09.02.2017**

Gurmit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. M.S. Kang, Advocate for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.96, dated 06.07.2016, under Sections 420/465/467/468/471/120-B IPC and Sections 43/65/66 of the I.T. Act, registered at Police Station Maksudan Jalandhar, District Jalandhar.

While issuing notice of motion on 20.10.2016, the following order was passed by this Court:

“Petitioner seeks concession of pre-arrest bail in a case registered on the basis of secret information that his son Baljit Singh in connivance with him indulged in buying the information of hacked credit/debit cards. In order to buy bit coin, son of the petitioner Baljit Singh allegedly made online transactions through the account of the petitioner in ICICI Bank, Branch Nakodar. The vehicle of the petitioner was recovered from Baljit Singh.

Learned counsel for the petitioner submits that Baljit Singh has already been arrested but the petitioner has been involved in the case being related to him.

Notice to Advocate General, Punjab for 09.12.2016.

Meanwhile, an interim direction is issued that the petitioner will join investigation on 05.11.2016 and 19.11.2016 or any other day as required by the investigating officer. In case of petitioner doing so, he will be released on interim bail to the satisfaction of the arresting officer.

The specific role attributed to the petitioner in the episode of fake transactions, wrongful loss caused to anyone on the basis of hacking, be submitted by the investigating officer. If any investigation has been conducted by the Cyber Crime Branch, the same may also be brought to the notice of the Court, on the next date of hearing.”

Subsequently an order dated 09.12.2016 was passed and in the following terms:

“Petitioner is father of Baljit Singh who has been arrested by police on the serious allegations that Baljit Singh connived with other co-accused and purchased hacked information of credit/debit card from America, India and other countries in order to buy bit-coins. There are allegations against Baljit Singh that he received payment of the credit cards through website of Western Union and transferred the payment to different persons. So far as the petitioner is concerned, his account has been used to the extent of Rs.40 lacs by Baljit Singh for making transactions.

On the instructions of SI Karam Singh, it has been informed that Baljit Singh has been arrested and the petitioner has not obtained any wrongful gain with any corresponding loss to any other person.

Investigation regarding the culpability of the petitioner is stated to be still pending but the investigation conducted till date indicates that he had not connived with his son.

Adjourned to 09.02.2017.

Meanwhile, interim order will remain operative subject to the conditions that the petitioner will join investigation as and when required by the investigating officer.”

Learned State counsel upon instructions from Inspector Karam Singh apprises the Court that the petitioner has since joined investigation. It stands conceded that Baljit Singh son of the petitioner is the main accused. The observations made by this Court in the order dated 09.12.2016 have gone un rebutted.

Furthermore, upon completion of investigation, the challan already stands presented against the main accused i.e. Baljit Singh.

Under such circumstances, custodial interrogation of the petitioner is not warranted.

Petition is allowed. Orders dated 20.10.2016 and 09.12.2016 passed by this Court are made absolute.

Disposed of.

09.02.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |