

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

**Crl. Misc. No.M-41481 of 2017 (O&M)
Date of Decision: November 03, 2017**

Nitin Chabbra

.....PETITIONER(s).

VERSUS

State of Punjab & Anr.

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Aakash Kumar Gupta, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

Heard.

This is petition seeking quashing of 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.

Punjab & Sind Bank, Model Town Branch, Jalandhar intimated the police about the fraud by persons using ATM machine. During investigation, it was found that the petitioner was also involved in making withdrawals by tampering with the ATM machine. He used to withdraw amount of ₹10,000/- from the ATM and as soon as cash was dispensed with by the ATM machine, he quickly pulled out the power plug or network cable of the machine so that the transaction could not be recorded.

It is apparent that the petitioner applied for anticipatory bail

which was declined on 14.10.2015 by learned Additional Sessions Judge.

He came to this Court seeking the relief of anticipatory bail which was declined, as such that petition was withdrawn by his counsel vide order dated 24.10.2016. Second application for anticipatory bail in this Court was dismissed vide order dated 03.04.2017. He again moved an application before learned Additional Sessions Judge, Jalandhar with similar request and his application was dismissed vide order dated 22.06.2017. He, then filed an application in this Court which was again dismissed on 01.09.2017. After having failed to get the pre-arrest bail in this case, the petitioner has filed this petition seeking quashing of FIR on the ground that he is ready and willing to pay the disputed amount to the bank in terms of his application dated 05.07.2017 (Annexure P-2).

The matter is still under investigation and the petitioner has not joined the same so far. The ground on which the quashing of FIR has been sought is not sustainable. The petitioner, if so desired, may certainly deposit the amount as per his application (Annexure P-2) but this could not provide him any reason to quash the FIR..

This petition has no merits.

Dismissed.

(SURINDER GUPTA)
JUDGE

November 03, 2017

Jyoti-II

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

Whether Reportable: ***Yes/No***