

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-41433 of 2018

Date of Decision: 27.09.2018

Sanjay

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Lekh Raj Nandal, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.94 dated 08.03.2017 under Sections 379, 420 IPC, registered at Police Station City Narnaul.

The aforesaid FIR was registered with the allegation that an amount of Rs.1,20,000/- was withdrawn from the ATM card of the complainant Raj Kumar son of Guganram, Caste Ahir, Resident of Village Akbarpur Ramu. It has been alleged that on 22.02.2017, when the complainant had gone to withdraw money from Axis Bank ATM, there was huge rush and in the process, when the complainant was withdrawing money, some unknown person deceitfully changed his ATM card and by

using the said card from 23.02.2017 to 28.02.2017, purchases worth Rs.1,20,000/- were made.

Learned counsel for the petitioner has argued that neither the petitioner has operated the said ATM card nor he is the beneficiary of the purchases so made and nothing is to be recovered from the petitioner.

Learned State counsel has submitted that the said ATM card was used by one Deepak, who was arrested in another case FIR No.101 dated 15.03.2017 under Sections 406/420 IPC, P.S. Civil Lines, Rohtak, in which case, he has made a disclosure statement to the effect that it is the petitioner who had handed over the said ATM card to him. Similarly, another co-accused Ram Kumar has also disclosed the name of the petitioner. In this manner, an amount of Rs.1,20,000/- was withdrawn.

In this view of the matter, the argument put forward by learned counsel for the petitioner that the petitioner has not operated the ATM card or that he is not the beneficiary, cannot be accepted. The complainant has been duped for an amount of Rs.1,20,000/- from his account and the petitioner has been specifically named in this case. Therefore, this Court finds that the petitioner does not deserve the concession of regular bail.

Accordingly, the present petition is dismissed.

September 27, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No