

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

**CRM NO. M-42933 OF 2018
DATE OF DECISION : 26.10.2018**

Manpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Neeraj Madaan, Advocate,
for the petitioner.

Mr. K. S. Aulakh, DAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Present petition has been filed for seeking bail pending trial in case FIR No.82 dated 05.07.2018 for the offences punishable under Sections 420/406/201 IPC registered at Police Station Sadar Faridkot, Tehsil and District Faridkot.

Learned counsel for the petitioner contends that case against the petitioner is concocted one. In fact the petitioner was working as a labourer with the complainant. The complainant used to send the petitioner to withdraw money from ATM. All the times the money was duly handed over to the complainant. It is not even the allegation that for a particular transaction, after withdrawing the money, the same has not been handed over to the complainant. Learned counsel further contends that as per the record, account of the complainant is subscribed to the SMS

service by the complainant. Therefore, all the withdrawals would be, in normal course, duly notified to the complainant. The amount mentioned in the complaint cannot be withdrawn through one transaction. This shows that despite having received message from the bank regarding withdrawal of the amount, the complainant had never raised any objection. Hence, the stand of the petitioner stands verified that it was the complainant only who used to send the petitioner to withdraw the money. Still further, it is contended by learned counsel that investigation in the case is complete. The petitioner is in custody since 21.08.2017. He is not required for any investigation purpose, therefore, no purpose will be served by keeping the petitioner behind the bars.

On the other hand learned State counsel, being instructed by SI Wakeel Singh, does not dispute the fact regarding custody of the petitioner. However, submits that there is CCTV footage showing the petitioner withdrawing the money from ATM.

In response to this argument, learned counsel for the petitioner submits that petitioner is not even denying of having withdrawn the money. The question involved in this case is that it was under authorization of the complainant itself and the police has not investigated the case from the point whether the complainant was receiving regular messages from the bank regarding all the withdrawals.

In view of the above submissions, but without commenting on the merits of the case, the present petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial, subject to furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

OCTOBER 26, 2018
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Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO