

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

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CRM-M-4321-2018

Date of Decision: 09.07.2018

Devinder Kumar

...Petitioner

vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S.Nirmaan, Advocate, for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral):

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 180 dated 17.08.2017 under Sections 420/379 of IPC and Section 66-B of IT Act, registered at Police Station Model Town Ludhiana.

Counsel for the petitioner submits that as per the allegations in the FIR, the complainant has stated that someone has withdrawn an amount of Rs.1 lac from his bank account through ATM card and Rs. 50,000/-was transferred to account number 9841000100015933 which was in the name of co-accused Mohit Garg by cloning his ATM card. Counsel further submits that said Mohit Garg was arrested and information regarding account, which was in the pen-drive and laptop, was recovered from him.

It is further stated that another co-accused i.e. wife of Mohit Garg was also arrested, however, later on she expired. Counsel further submits that the investigation is complete and petitioner is no more required for further custodial investigation. He further submits that the petitioner is in judicial custody since 05.10.2017 and till date charges have not been framed.

Counsel for the petitioner has relied upon the orders (Annexures P3 to P5), vide which the petitioner has been granted concession of regular bail in other FIRs of similar nature. Counsel for the petitioner has further relied upon order dated 06.04.2018 passed in CRM-M-13596-2018 in which the petitioner was granted bail in one of the similar FIR.

Counsel further submits that in all the cases, main accused Mohit Garg is in judicial lock up.

Reply by way of affidavit of Inspector/SHO, P.S.Model Town, Ludhiana, has been filed in Court today and the same is taken on record. As per this reply, the petitioner is involved in three other FIRs apart from the present FIR and as noticed above, he has been granted regular bail in all the cases.

The learned State counsel, on instructions from ASI Janak Raj, in reply to a Court query whether any amount was transferred in any account of the petitioner, replied in negative.

Without commenting anything upon the merits of the case, considering the fact that the petitioner is in judicial custody since 05.10.2017; charges are yet to be framed; the petitioner is on bail in other cases and conclusion of the trial will take long time, the petitioner is directed to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate.

09.07.2018
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No.

Whether Reportable : Yes/No