

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

CRM-M-44974-2017 (O&M)

Date of decision: January 11, 2018

Amit Joshi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Manoj Kumar, Advocate for the petitioner.

Mr. A.A. Pathak, Addl. Advocate General, Punjab.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 420, 120-B IPC and Section 66 of Information and Technology Act, 2000 at Police Station Haibowal, District Ludhiana, vide FIR No.141 dated 20.08.2017.

Learned counsel for the petitioner submits that petitioner has nothing to do with the alleged offence and he has been implicated falsely in the present case. He submits that petitioner has not been named in the FIR. No overt act has been attributed to him and he has been implicated on the basis of disclosure statement of the co-accused.

Prayer has been opposed by learned State counsel. According to him, petitioner used to procure and supply ATM cards to the other accused and also used to indulge in withdrawing amounts from the ATM Machines by manipulating the same. The offence being very

serious, petitioner is not entitled to concession of pre-arrest bail, thus, his custodial interrogation is necessary.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

Brief factual background of the case is that FIR was registered by the police on the basis of a secret information to the effect that accused Pankaj Kumar, Johny Goyal, Satish Aggarwal, Vijay Garg @ Vicky and Rajesh Kumar @ Rakesh, by taking their friends and relatives into confidence, open bank accounts and get ATM cards issued. After getting some money deposited in the said accounts, they use the ATM cards for withdrawing money. When ATM machine is in process of delivering cash, they jam the machine, as a result of which money is delivered by the ATM machine but no entry is made in the bank record regarding the withdrawals. Later on they make complaint with the bank regarding not withdrawal of money and thus, the bank refund the money in their accounts. In this manner, accused committed fraud of crores of rupees with the bank. On the basis of the aforesaid secret information, the police held a *Naka* at old Octroi Post, Hambran Road, Ludhiana, where three cars of the accused were stopped and accused Satish Aggarwal, Johny Goyal, Vijay Garg @ Vicky, Rajesh Kumar @ Rakesh and Pankaj Kumar were apprehended. From their possession hundreds of ATM cards alongwith cheque books and a huge cash amount were recovered. During interrogation, accused disclosed that they had cheated several banks even at Bangalore, Bombay and Dehradun. Co-accused of the petitioner also disclosed that petitioner was involved with them in

committing the fraud with the bank.

Keeping in view the serious allegations against the petitioner and co-accused, I am of the considered view that petitioner is not entitled to concession of pre-arrest bail. The allegations are serious and matter requires a thorough probe. Custodial interrogation of the petitioner may be necessary to take the investigation to its logical end. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

January 11, 2018
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No