

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRM-M-49477-2018 (O&M)

Date of decision:19.11.2018

Baljeet

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Suneel Ranga, Advocate
 for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.250 dated 25.05.2018 under Sections 379, 420 of IPC, registered at Police Station City Narnaul, District Mahendergarh.

Learned counsel for the petitioner contends that the allegation against the petitioner is qua the card swapping at ATM booth. Further allegation against the petitioner is that through the card of the complainant, Rs.12,000/- has been withdrawn from his account. It is contended that the case against the petitioner is concocted and the petitioner is in custody since 28.05.2018. Challan has already been filed in this case. The co-accused of the petitioner, from whom 76 ATM cards were recovered by the police, has also been granted bail pending trial, in this case. Still further, it is contended that although there is one more case against the petitioner, however, that case was created by the police on 06.07.2018; when the petitioner was already in custody of the police. The investigation of the case is complete.

The petitioner is not required for any further investigation purposes. The

On the other hand, learned State counsel, being instructed by HC Sanjay Kumar, submits that the petitioner has withdrawn Rs.12,000/- from the account of the complainant. Four ATM cards have been recovered from the possession of the petitioner. There are two more cases of similar nature; pending against the petitioner i.e. FIR No.346 and FIR No.340. However, learned State counsel has not disputed that the involvement of the petitioner in those cases, was found only when he was taken in custody in the present case. It is also not disputed that the co-accused of the petitioner is already been on bail. Counsel for the State has also admitted that challan has already been filed but charges have not been framed so far.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

19.11.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No