

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

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CRM-M-2269-2019 (O & M)
Date of Decision:06.03.2019

Akash @ Pawan Kumar and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Punit Malik, Advocate
for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioners-Akash @ Pawan Kumar, Kartar Singh and Niranjana Kumar Nirala have filed this petition seeking regular bail in case FIR No.41 dated 08.09.2018, under Sections 379, 420, 467, 468, 471, 201 and 120-B of the Indian Penal Code ('IPC' – for short) and Sections 66-B and 66-D of IT Act, registered at Police Station Cyber Crime District Gurugram.

According to the prosecution, petitioners in connivance with each other by preparing the clone of the ATM cards of the complainant and one Partap Singh, have withdrawn Rs.47,000/- and Rs.15,500/- respectively while the original ATM cards were in the possession of the complainant and Partap Singh. Thereafter the matter stood reported to the police and investigation was carried out. Petitioners were arrested and three card cloning machines, one MSR machine (card writer) and one laptop stood recovered from the petitioners.

Learned counsel for the petitioners has argued that the investigation is complete and petitioners are in judicial custody. Even otherwise, the complainant has compromised the matter with the accused and has sworn the affidavit in this regard, which is Annexure P-1. He further submits that the petitioners have returned Rs.47,000/- to the complainant. Petitioner No.1-Akash is in custody since 08.09.2018 whereas petitioners No.2 and 3 namely Kartar Singh and Niranjana Kumar are in custody since 13.09.2018.

On the other hand, the bail application is opposed by the learned State counsel. It is not disputed that the investigation in the case is complete and challan stands filed.

Considering the above and the nature of the case which is triable by the Magistrate and the same is likely to consume some time, further custody of the petitioners are not justifiable. Therefore, without meaning any expression of opinion on the merits of the case, petitioners are ordered to be released on bail subject to their furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

The petition is allowed.

06.03.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No