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

CRM-M-16134 of 2019

Date of decision: July 23, 2019

Saurabh Jaiswal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manmohan, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.394 dated 09.08.2018, under Sections 406, 420, 467, 468, 471, 120-B of Indian Penal Code, 1860, registered at Police Station Sadar Thanesar, Kurukshetra.

As per prosecution case, petitioner committed theft of data from ATM card of the customers by swapping through skimmer device and further handed over the same to his co-accused, namely Sumit Jhingran.

It has been contended by learned counsel for the petitioner that he is in custody since 28.09.2018 and falsely implicated in this case.

On the other hand, learned State counsel has opposed the

prayer of the petitioner on the ground that allegations levelled against him are serious in nature as he has defrauded and cheated the customers with an evil sign.

Heard both sides and perused the paper-book.

In the present case, petitioner swapped the ATM card of customers while working in Daburu Hotel Mohali, Punjab through Skimmer Device Mini DX-3 and collected the data of Pin Code of ATMs and further handed-over the same to co-accused Sumit Jhingran, who after preparing the duplicate ATM Cards through Magnetic card writer MSR 605 X and laptop passed on to third co-accused, namely Gaurav Verma, who withdrew the amount from SBI, ATM, Zirakpur.

Paper-book reveals that the petitioner is an habitual offender as he is facing two other criminal cases of similar nature in FIR No.4 dated 05.08.2018, under Sections 406, 420, 467, 468, 471, 120-B IPC and Section 66 C of Information Technology Act, 2000 (for short 'IT Act'), registered at Police Station State Cyber Crime, SAS Nagar, Mohali (Punjab) and FIR No.495 of 2015, under Sections 420, 465, 467, 468, 471, 34 of IPC and Sections 43A, 66 K, 66D of IT Act, registered at Police Station Kaburbawadi, District Thane, Maharashtra. Therefore, there are chances of petitioner repeating the same offence. In that view of the matter, without commenting any further lest it may prejudice the case of the petitioner, this Court does not deem it appropriate to release him on bail pending trial.

Petition stands dismissed. Needless to say that

observations made above may not be construed as an expression of opinion on merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

July 23, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No