

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45539-2018 (O&M)

Date of decision:07.02.2019

Ramesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Gursimran Singh Bhatia, Advocate for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

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.69 dated 24.07.2018 under Section 420 of IPC, registered at Police Station Rajasansi, District Amritsar (Rural).

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. The petitioner was framed in the case only when he was arrested in some other case. It is further contended that the only allegation against the petitioner is that he transferred the amount of money from the account of the complainant to the account of one Balwinder Singh. The above said Balwinder Singh was specifically named by the complainant as the accused after verifying his credential from the bank record and identified him from the CCTV footage. That Balwinder Singh is alleged to have even returned the amount to the complainant. However, the said Balwinder Singh has been declared as innocent by the police and the petitioner has been falsely involved in the case. Otherwise also, the petitioner is in custody since 16.08.2018. The petitioner is not

On the other hand, learned State counsel submits that the petitioner is a habitual offender. The ATM cards of several other persons were recovered from the present petitioner. On that account, another FIR has been registered against the present petitioner. However, it is not disputed that the accused named by the complainant, namely, Balwinder Singh has been declared innocent by the police, despite the fact that he had returned the money, which he had got through the alleged fraud, to the complainant.

In response to the submissions made by learned counsel for the State, learned counsel for the petitioner submits that so far as the recovery of ATM cards of other persons from the petitioner is concerned, even those recoveries have been fabricated by the police. However, those recoveries are not connected with the present case at all. For those ATM cards, the petitioner would be facing another trial, not connected with the present one.

Be that as it may, in view of the submissions made by learned counsel for the petitioner, 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

07.02.2019

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No