

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

CRM-M-23724-2019

Date of decision:28.5.2019

GOURAV VERMA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Verma, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab assisted by
SI Manisha Verma.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.4 dated 5.8.2018 under Sections 420, 406, 467, 468, 471 and 120-B of the Indian Penal Code, Section 66, 66-C, 66-D IT Act, Police Station State Cyber Crime, Mohali.
2. The FIR was registered at the instance of Amitabh Sharma, Assistant Vice President, Risk Intelligence & Control Unit, HDFC Bank Ltd. wherein it has been alleged that a complaint had been received in the Bank by several customers who had disputed withdrawal of cash through ATM to the tune of ₹16.87 Lakhs. It is

alleged that upon internal investigation having been conducted it was found that said customers who were disputing the said transactions were in fact present in various parts of Punjab and northern India while the transactions had been effected in the ATM situated in Mohali. It was thus suspected that data in respect of their cards had been compromised and cards had been cloned on the basis of said data. The internal investigation further revealed that the “Brew Master” Restaurant located in Phase-V Mohali was common point of purchase in respect of cards in question and one of its members of staff namely Saurav was suspected to be involved in the compromise of data. During course of investigation, the police found that Saurav, Sumit, Kevin J. D’souza had joined hands and were cloning ATM cards on the basis of the data collected by Saurav and the ATMs so prepared had been used by Gaurav for the purpose of withdrawing cash in various ATM situated in Mohali.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and in any case even as per the investigation conducted by the police, it is Saurav, Sumit, Kevin J. D’souza who were into cloning of ATM cards and thus the main accused. It is further been submitted that the petitioner has been behind bars since last about 8 months and in these circumstances the petitioner deserves the concession of bail.
4. Opposing the petition, learned State counsel has informed that from CCTV footage collected from the ATM console, it is revealed that it is the petitioner who had operated ATMs on the basis of cloned

ATM cards and thus his complicity is evident. It has however been informed that the co-accused Kevin J. D'souza is still to be arrested and that till date none of the cited 23 witnesses has been examined so far.

5. Having considered rival contentions addressed before this Court and bearing in mind the fact that till date not even a single PW has been examined and that conclusion of trial, in its normal course, is likely to take some time, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars, who has already been behind bars since last 8 months. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(GURVINDER SINGH GILL)
JUDGE

28.5.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No