

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

**CRM-M No.44647 of 2019 (O&M)
Date of Decision: 24.10.2019**

Pradeep Kumar @ Praveen

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Dr. Sushil Gautam, Advocate for the petitioner.

Mr. Arun Beniwal, Deputy Advocate General, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) for grant of bail pending trial to the petitioner in case FIR No.338 dated 06.08.2019, under Sections 379A, 420, 411 of the Indian Penal Code, 1860, registered at Police Station Civil Lines, Kaithal.

It is contended on behalf of the petitioner that he is in custody since 11.08.2019, not named in the FIR and he has been falsely implicated in the present case.

On the other hand, learned State Counsel, on instructions from ASI Pardeep Kumar, has opposed the bail and submitted that during investigation, 24 ATM Cards have been recovered from the petitioner and challan has already been presented, but charges are yet to be framed. Also submitted that in case petitioner is released on bail, he is likely to hamper the trial.

Heard both sides and perused the paper-book.

As per the allegations of the prosecution, on 06.08.2019 at about 01:00 PM, when complainant-Jaswinder Singh entered State Bank of India ATM, Karnal Road for withdrawal of money, he was followed by two boys, who also came inside. When complainant swiped his ATM Card of Sarva Haryana Gramin Bank, Pundri Branch, both of them were standing behind him and at that time, no other person was standing near the two other ATM machines. The complainant did not ask any help from them, but despite that, they came forward when complainant was withdrawing Rs.5000/-. Second time, the complainant withdrew Rs.5000/-, one of them took ATM Card from the complainant and swiped the same with a black scanner machine, carried by him with the intention to cheat the complainant. Upon this, complainant asked him about swiping of his ATM Card, then he left the scanner machine in the hand of complainant in haste and started fleeing from the spot, but he was stopped by the complainant on the gate of ATM. The accused did not give any reply and signal the complainant to go outside and when complainant went outside the gate of ATM, then he snatched Rs.10,000/-, ATM Card and Scanner machine and fled away from the spot.

As pointed out by learned State Counsel that 24 ATM Cards of various persons have been recovered from the petitioner during investigation, thus, he seems to be a mastermind for such illegal activities. Now-a-days, incidents of cheating and snatching of innocent public by such elements are increasing day-by-day and in case the petitioner is released on bail, he is most likely to hamper the trial and even may threaten the

complainant.

In view of the above, no case for grant of bail pending trial is made out to the petitioner till the recording of testimony of the complainant.

Accordingly, the present petition is dismissed at this stage.

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

October 24, 2019

(MAHABIR SINGH SINDHU)
JUDGE

Gagan

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>