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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44742-2019

Date of decision-16.11.2019

Mannu Kumar Sharma @ Sandeep Kumar

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Achin Gupta, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Mannu Kumar Sharma @ Sandeep Kumar has prayed for grant of pre-arrest bail under Section 438 Cr.P.C in case FIR No.171 dated 08.09.2019 registered under Sections 419, 420, 465, 468, 471 and 120-B of Indian Penal Code, 1860 at Police Station Kotwali Bathinda, District Bathinda.

The FIR was registered with the allegations that Khushdeep Goyal, Monu Sharma, Anu Sharma and Krishan Kumar along with some unknown persons formed a gang to commit fraud and cheating with innocent persons. According to the Police, Monu Sharma was head of the gang and they used to steal the data of ATM cards of the customers in order to withdraw the amount from their bank accounts. One of the accused, namely,

Krishan Kumar being employed at a petrol pump was provided a device machine by Monu Sharma and whenever the customer used to give his ATM card, the accused would steal the data and in return they used to get Rs.1,000/- for each ATM card from Monu Sharma. On these broad allegations, the FIR was registered for the above mentioned offences.

Learned counsel for the petitioner contends that he is not connected with crime and has been falsely implicated as he has no concern with the alleged incident. According to him, the FIR narrates the modus operandi of the accused persons. He submits that the petitioner is ready to join the investigation.

On the other hand, learned State counsel assisted by ASI Jagroop Singh opposed the prayer on the ground that the offence is serious and requires deep probe and therefore, custodial interrogation of the petitioner is necessary.

Learned State counsel has further contended that the co-accused of the petitioner used to work at Petrol Pump, Sector-43 Chandigarh and after use of the ATM card in respect of a transaction by the customer, the petitioner used to facilitate cloning of the electronic card, for illegal withdrawal of money from account of the customers. It is categorically pointed out that the petitioner deposited a sum of Rs. 18 lacs in the account of sister of co-accused, namely, Khushdeep Goel.

Considering the nature of the offence and the role attributed to the petitioner, this Court does not find it to be a fit case for grant of pre-arrest bail to the petitioner as his custodial interrogation may be necessary to

unravel the truth.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

16.11.2019
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No