

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

**CRM-M No. 47300 of 2019
Date of Decision:-16.11.2019**

Oprea Marius

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Kushagra Mahajan, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Oprea Marius has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 116 dated 01.8.2019, under Sections 66(C) and 66(D) of Information Technology Act, 2000 and Sections 420 and 511 IPC, registered at Police Station A-Division, District Amritsar. The petitioner is in custody since his arrest on 01.8.2019.

The FIR was registered against the accused with the allegations that on 31.7.2019 at about 4.15 pm, he alongwith co-accused has affixed one camera device with the help of gum in the slot meant for swipe in the ATM machine of Punjab and Sind Branch Sharifpura, to extract data and to

use the same by preparing duplicate ATM cards for taking money from the ATM machines in order to cause wrongful loss to the public.

Learned counsel for the petitioner has contended that he has been falsely implicated in the present case. No recovery is to be effected from the petitioner as the device, as alleged in the FIR, has already been recovered from the spot. The offence is triable by Magistrate and after completion of investigation, challan has already been filed and after framing of charges, the evidence of the prosecution is going on and only one witness out of total 14 witnesses has been examined so far. He submits that trial of the case will take sufficient time to conclude, therefore, further custody of the petitioner may not be justified.

On the other hand, learned State counsel, who is assisted by ASI Jaspal Singh, opposed the prayer on the ground that the petitioner while committing the offence was caught at the spot and all his acts were captured in the CCTV footage. However, he has not disputed that out of total 14 witnesses, the prosecution has examined only one witness so far. It is also not disputed by Ld. State Counsel that no money was taken out by accused by using the duplicate ATM Cards and no loss has been suffered by any of the persons.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Amritsar.

The petition is allowed.

November 16, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No