

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

**CRM-M-57244-2018
Date of decision-26.02.2019**

Ramesh Kumar

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Harsimar Singh Sitta, AAG, Punjab assisted by
ASI Tarsem Singh.

MANOJ BAJAJ, J.

Petitioner has prayed for grant of regular bail in case FIR No.171 dated 05.08.2018 under Sections 420, 379 and 473 read with Section 34 of Indian Penal Code registered at Police Station Chheharta, District Police Commisionerate, District Amritsar.

The FIR was recorded on the basis of secret information that Ramesh Kumar son of Chanda Ram (petitioner), Rajesh son of Satbir Singh and Varinder Kumar son of Bhofa, have formed one gang and they steal purse of the people and then they trap innocent people near ATM machine and they replace their original ATM's with the stolen ones and in this manner they are deceiving people by withdrawing money from their accounts. It was narrated in the FIR that they have picked up one pocket at Attari Border and are coming towards Amritsar. Acting upon this information, one i-20 car was stopped. Two persons from the car came out and ran away, however, driver was apprehended who disclosed his name as

Ramesh Kumar son of Chanda Ram (petitioner). It was this accused who disclosed the identity of other two accused. As per the FIR, 17 ATM cards were recovered from Ramesh Kumar.

Learned counsel for the petitioner argued that the petitioner is in custody since 05.08.2018 i.e. for the last more than six months and the offence is triable by Magistrate. According to him, other two accused have not been arrested so far, therefore, no useful purpose would be served in keeping the petitioner behind the bars.

On the other hand, learned State counsel assisted by ASI Tarsem Singh opposed the bail application. It is argued that the gang is quite active in this area and the petitioner is member of the same. It is pointed out that accused has withdrawn the money by using the ATM card of the victims.

Considering the custody of the petitioner, nature of the trial, which is triable by Magistrate, stage of the same which is likely to consume more time, further detention of the petitioner may not be justified. Therefore, without meaning any expression on the merits of the case petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

26.02.2019

vanita

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