

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

212

**CRM-M-673-2020
Date of Decision : 02.03.2020**

Lakhwinder @ Lakha

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ankit Rana, Advocate for
Mr. Raghav Sharma, Advocate for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G. Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.1083 dated 27.09.2019 registered under Sections 379 and 420 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station City, Thanesar.

Briefly stated the facts relevant for disposal of the present petition are that Om Parkash Mehndiratta submitted written complaint to SHO, Police Station Subhash Mandi, Thanesar that on 20.09.2019 he had gone to SBI ATM at Railway Road, Thanesar to withdraw the money where the ATM started but abruptly stopped and despite attempt the command could not be cancelled. One unknown person came inside the ATM on the pretext of being the person to fix the machine and on his asking he went to another ATM and subsequently found that amount of Rs.20,000/- has been withdrawn from his account by that unknown person. Pursuant to registration of FIR on the basis of the above-said complaint, the police investigated the case and arrested and charge-sheeted the petitioner who being in custody has filed present petition for grant of regular bail.

Learned State Counsel has appeared and opposed the bail application in terms of reply dated 10.02.2020 filed by the respondent-

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. The complainant examined as PW-1 in the case did not identify the petitioner as the person who had committed the fraud. The petitioner is in custody since 07.10.2019. The trial is likely to take long time and no useful purpose will be served by his further detention in custody. Therefore, the petitioner may be granted concession of regular bail.

Learned State Counsel has argued that allegations against the petitioner are serious. The petitioner is also involved in other cases of similar nature. The petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, the fact that the complainant has not identified the petitioner as the person who had committed the fraud, period of his custody and the fact that his further detention in custody will not serve any useful purpose but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned subject to the condition that the petitioner will not commit any offence of similar nature and in case of commission of any offence of similar nature by the petitioner, his bail in the present case shall also be liable to be cancelled on filing of application by the prosecution in this regard.

02.03.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No