

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

CRM-M-2351-2020

Date of decision:-11.2.2020

Shahjad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.S.S. Virk, Advocate
for the petitioner.

Ms.Harpreet Kaur, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by Shahjad – an accused in FIR No.789 dated 24.9.2019, under Sections 379, 420 IPC (challan presented under Sections 379, 420, 201 and 34 IPC), registered at Police Station City, Panipat, District Panipat.

Briefly stated, facts of the case are that on 21.9.2019 at about 9:00 p.m., complainant Ranjit Singh son of Ramesh Singh, resident of Krishan Nagar, Tehsil Camp, Panipat had gone to ATM of SBI installed at Tehsil Turn, Panipat for withdrawing the money. When the complainant inserted the ATM card, then money in the form of currency notes did not come from the outlet; at that time two other boys including

the present petitioner were standing near the ATM machine. The complainant asked them for help, then they gave another ATM to the complainant while retaining his ATM card with them, in that way they had withdrawn Rs.42,000/- from his account. On a written complaint submitted by the complainant to the police, formal FIR had been registered. Accused were arrested in this case on 25.11.2019. The petitioner/accused had filed an application for regular bail before Chief Judicial Magistrate, Panipat and then before Sessions Judge, Panipat. However, his such applications were dismissed vide orders dated 21.12.2019 and 7.1.2020, respectively, as such, the petitioner has approached this Court with the same request, which is being resisted by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Not only the petitioner along with his co-accused had committed a heinous crime of cheating an innocent person of his hard earned money but he has got a long criminal record inasmuch as he is shown to be involved in five more criminal case, details of which are as under:

- i) FIR No.1020/2019, under Section 25 of Arms Act, Police Station Lohi.
- ii) FIR no.1018/2019 under Section 307 IPC, Police Station Lohi.
- iii) FIR no.1021/2019, under Section 419 IPC, Police Station Lohi.
- iv) FIR No.922/2019, under Sections 302, 307, 504, 34 IPC, Police Station Lohi.

v) FIR No.789/2019, under Sections 379, 420, 201, 34 IPC, Police
Station City, Panipat

That goes to show that the petitioner/accused is a hardened criminal. Therefore, considering all the facts and circumstances of the case, I am of the view that it is not a fit case to grant concession of regular bail to the petitioner. The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to his absconding, taking of path of crime again and even tampering with the prosecution evidence, cannot be brushed aside lightly.

Therefore, finding no merit in the petition, the same stands dismissed.

11.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No