

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

CRM-M-3599-2020

Date of Decision : February 03, 2020

Gurmeet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. O.P. Goyal, Senior Advocate with
Ms. Lavish, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 116 dated 19.9.2019 under Sections 417, 420, 467, 468, 471, 120-B IPC and Section 66, 66(B), 66(D) of the Information Technology Act, 2000 registered at Police Station Sherpur.

Learned Senior Counsel for the petitioner submits that the co-accused of the petitioner-Mohit Raj has already been granted the concession of regular bail in CRM-M-47483-2019 by passing the following order :-

“Learned counsel for the petitioner submits that as per allegations in the FIR, which was registered on receiving a secret information that

the petitioner is roaming in the area and is withdrawing the amount from ATM machines using Debit Cards of innocent persons and he was apprehended and 05 duplicate ATM cards, laptop and an ATM card writer were recovered. It is further submitted that the petitioner is in custody since 25.9.2019; challan stands presented and the offences are triable by the Court of Magistrate, therefore, it will take some time in conclusion of the trial. Learned counsel further submits that during the investigation, the police could not find any person, who was allegedly cheated by the petitioner, by withdrawing the amount from his account and only allegation against the petitioner is that some duplicate fake ATM cards were recovered from him.

Learned State counsel, on instructions from ASI Gurjant Singh, has not disputed the fact that during the investigation, nothing has come on record that any amount was withdrawn by the petitioner, on the basis of fake ATM cards, however, it is submitted that he is involved in some other cases.

In reply, learned counsel for the petitioner has submitted that the petitioner is on bail in all other cases, which are registered in quick succession of 15 days.”

Learned Senior Counsel has further submitted that the petitioner is not involved in any other case and he was not named in the FIR. His name surfaced later on during the investigation and only allegation against the petitioner is that some fake ATM Cards were recovered, however, there is no allegation of withdrawal of any amount from the fake ATM Cards.

Learned State counsel, on instructions from ASI Sukpal Singh, has not disputed the factual position.

Without commenting anything on the merits of the case, considering the aforesaid submissions made by counsel for the petitioner and also in view of the fact and the name of the petitioner surfaced later on during the investigation, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

February 03, 2020
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO