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

CRM-M No. 17583 of 2020
Date of Decision: 09.10.2020

Satyawan @ Munna

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Suvir Sidhu, Advocate,
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.175 dated 19.05.2020 under Sections 379, 420, 411, 465, 468, 471, 474, 120-B IPC registered at Police Station Pundri, District Kaithal.

Allegation is that the complainant was having an account in State Bank of India in which an amount of Rs.26,595/- was left. An amount of Rs.26,500/- was withdrawn from his account on 26.12.2019 by someone.

With this background, the FIR was registered.

Bail was rejected by the Judicial Magistrate 1st Class, Kaithal as well as by the Additional Sessions Judge, Kaithal on the premise that an amount of Rs.26,500/- was statedly withdrawn from the account of the complainant.

Petitioner was also involved in FIR No.253 dated 18.06.2018 under Sections 379, 420, 411, 120-B IPC, Police Station Civil Lines, Kaithal in which he made a disclosure regarding present occurrence. Petitioner was identified in CCTV footage along with his accomplice. An amount of Rs.12,500/- was recovered from the petitioner.

In the reply filed by way of affidavit of Krishan Kumar, HPS, Deputy Superintendent of Police, Kaithal, it has been submitted that as per CCTV footage stored in the compact disk, the complainant was found standing in the ATM booth and was using his ATM card for the withdrawal of amount. Two other persons were offering assistance to him and those were found to be the petitioner and co-accused Sandeep. In the CCTV footage, accused were seen stealing data of ATM with the help of Skimming devices.

Modus operandi of the accused was to visit the ATM booth and they used to note the PIN of the ATM card secretly. They used to scan the data of ATM card on the pretext of rectifying the issues faced by the card holders.

After preparing clone of the ATM, accused used to withdraw the amount from the account of card holders.

It is not in dispute that the petitioner is in custody since 20.05.2020.

Offence is triable by Magistrate.

Challan has already been presented, but charges have not been framed so far.

Looking to the facts and circumstances of the case and keeping in view the situation arising out of pandemic COVID-19, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

09.10.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No