

CRM-M-20555-2020 (O&M)

Date of Decision : 05.11.2020

Manjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE HARINDER SINGH SIDHUPresent : Mr. Preetwinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. B.S. Sewak, Addl. AG, Punjab.

Harinder Singh Sidhu, J

The case has been taken up through video conferencing on account of Covid-2019 pandemic.

Prayer is for grant of regular bail in case FIR No.115, dated 09.05.2020 under Section 420 IPC (Sections 411,465,467,468,471,120-B IPC added later on) and Sections 66(B) and 66(D) of Information Technology Act, 2000 registered at Police Station Division No.5, Ludhiana, District Ludhiana.

The FIR was registered on the basis of two complaints, one by Vir Parkash Singh, Assistant Excise and Taxation Commissioner, Ludhiana-III and the other one by Ravdeep Kaur, Section Officer, Assistant Excise and Taxation Commissioner, Ludhiana-I.

In the complaint filed by Vir Parkash Singh, it was stated that he was posted in the office of Assistant Excise and Taxation Commissioner, Ludhiana-III. Some official payments of his office being

failed transactions were transferred to A/c No.20457005023. The said account belongs to one Nanak Dev Ram. On verification, it was found that 13 entries of this office had been credited in the above said account. The total amount of Rs.43,02,323/- had been transferred in the account of Nanak Dev Ram.

In the complaint filed by Ravdeep Kaur, it was stated that on 04.05.2020, one Hari Om retired from the office of Assistant Excise and Taxation Commissioner, Ludhiana-I as Senior Assistant, whose payment of Rs.5,40,493/- which was due on account of leave encashment was not deposited in his account. It was found that instead of depositing it into the A/c No.3000247503, it was deposited into the A/c No.20457005023 belonging to Nanak Dev Ram.

The matter was enquired into and it was found that the official website of the office had been hacked and accordingly the amount of failed transactions pertaining to the account of Hari Om and the other failed transactions were transferred into the account of Nanak Dev Ram.

Learned counsel for the petitioner has argued that the petitioner has not been named in the FIR. The petitioner's name is alleged to have surfaced in the disclosure statement of Nanak Dev Ram, who has stated that the petitioner involved and was also associated with him in hacking the failed transactions. It is further alleged that on the disclosure statement of the petitioner, an amount of Rs.4,60,000/- has been recovered from the house of Balwinder Singh Cheema, the relative of the petitioner. Learned counsel has argued that this recovery is doubtful as no independent witness has joined during the recovery.

Learned State counsel has opposed the bail on the grounds of seriousness of offence. He further states that challan has been presented and the petitioner is in custody since 11.05.2020.

The trial of the case has not made any headway because of the prevalent pandemic Covid-2019. No useful purpose would be served by keeping the petitioner behind the bars. In view thereof, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

(HARINDER SINGH SIDHU)
JUDGE

November 05, 2020
Manpreet

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