

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

204

**CRM-M-20749, 20750 & 20751-2020
Decided on : 05.11.2020**

Surender @ Suniyo

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Pratham Sethi, Advocate for the petitioner (s).

Mr. Anant Kataria, DAG, Haryana.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The present order shall dispose of three petitions i.e. **CRM-M-20749, 20750 & 20751-2020**, which have been filed under Section 439 Cr.P.C., seeking regular bail in FIR No.972 dated 15.12.2018 under Sections 406 IPC (Sections 379, 420, 467, 468, 471, 120-B IPC and Section 66B, 66C and 66D of IT Act, 2000 added later on); FIR No.965 dated 14.12.2018 under Sections 379, 420 IPC (Sections 467, 468, 471, 120-B IPC and Section 66B, 66C and 66D of IT Act, 2000 added later on) and FIR No.964 dated 13.12.2018 under Sections 379, 420 IPC (Sections 467, 468, 471, 120-B IPC and Section 66B, 66C and 66D of IT Act, 2000 added later on), registered at Police Station City Sonapat, District Sonapat.

Counsel for the petitioner has submitted that the petitioner had been arrested on 22.12.2018 in FIR No.647 dated 08.12.2018 registered at Police Station Ganaur, Sonapat and is in custody for almost two years. It is

submitted that even an application as such was filed under Section 437 (6) that the investigation has been completed, but only the examination of four witnesses has been done and the trial was not concluding. It is, thus, submitted that the said application was dismissed on 17.06.2020 on the ground that effective proceedings in the case could not be done on account of prevalent situation of Covid-19 pandemic.

It is submitted that though an affidavit has been filed by the Superintendent of Police, Sonapat, showing that the petitioner is involved in 15 cases, but it would not be a ground to deny the bail to the petitioner, since he has been implicated in all cases, FIRs of which have been lodged from 01.12.2018 to 13.12.2018. It is submitted that on account of arrest in FIR No.647, he has been implicated in all cases of similar nature in District Panipat and Sonapat by the police.

Counsel for the State has opposed the bail applications in the said FIRs, on the ground that the petitioner is a habitual offender. Reference is also made to the affidavit filed that there was a modus operandi as such resorted to by the petitioner and his co-accused of hacking the data of the customers from the CNG Pump, situated at G.T. Road, Larasauli, where they were working. It is submitted that swipe machines, hard disc, laptop as such have been recovered and, thus, the denial of the bail applications by the Courts below is justified.

A perusal of the FIR would go on to show that the complaints have been filed against unknown persons on account of the withdrawals from the bank accounts from various ATMs.

The petitioner is in custody for almost two years and the trial is not proceeding. In such circumstances, this Court is of the opinion that it would be a matter of trial and the evidence collected by the investigation is to be put to test as to whether the investigating agencies have been able to unearth the modus operandi of the petitioner. The case is triable by the Magistrate and the charge was framed on 13.07.2019 in FIR No.972 and as noticed only four witnesses have been examined. In such circumstances, the petitioner has suffered sufficient detention as such and merely because there are large number of cases registered against the petitioner, would not be a ground to deny the benefit of bail to him.

However, a condition is put that in case the petitioner is found involved in any similar case after his release, his bail will be liable to be cancelled on filing of appropriate application.

Accordingly, the present petitions are allowed. The petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Illaqua Magistrate/Duty Magistrate, Sonapat.

NOVEMBER 05, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No