

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

101

CRM-M-22652-2020
Decided on : 14.08.2020

Sonu @ Surender and another

... Petitioners

Versus

State of Haryana

... Respondent

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

Present: Mr. Aditya Sanghi, Advocate
for the petitioners.

Mr. Rajeev Goel, DAG, Haryana.

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

G.S. Sandhawalia, J. (Oral)

Petitioners seek anticipatory bail in case FIR No.17, dated 07.01.2020 under Sections 420/379-A of IPC registered at Police Station Mohindergarh, District Mohindergarh, Haryana.

The FIR has been lodged on the complaint filed by one Ambika Parsad on the ground that he was withdrawing money from the ATM when three boys had come there and fraudulently exchanged the ATM card with him. They had inter se supplied the card among themselves and snatched the card and exchanged it with each other and tried to run away. He apprehended one boy namely Roni whereas the other two had run away.

It is not disputed that Roni has been granted the benefit of regular bail in CRM-M-12009-2020 vide order dated 06.05.2020 passed by this Court, after spending 4 months in incarceration. The factum was that he was of tender age as his date of birth is 01.02.2002, as per the school

leaving certificate had also weighted with this Court. Counsel for the petitioner vehemently submitted that the complainant has entered into compromise with the said accused and therefore, benefit of anticipatory bail should be granted. While deciding the application for anticipatory bail, Additional Sessions Judge, Narnaul also noticed that the vehicle which was a i10 car and the snatched ATM card are yet to be recovered from the petitioner's possession apart from the ATM cloning machine also.

Counsel for the State has brought to the notice of this Court that petitioner No.1 had already 2 FIRs against him and out of which one case is also under Section 379 and 411.

It is also to be noticed that the petitioners belong to different areas of State of Haryana and complainant as such Ambika Parsad is resident of district Mahendergarh and FIR was also lodged at Mahendergarh. There is no reason as such why the complainant would falsely involve the petitioners, who have been nominated on the basis of the disclosure statement of co-accused Roni. The custodial interrogation of the petitioners is thus required as the petitioner No.1 is involved in similar cases of frauds of cloning the ATM cards and snatching of ATM cards. The petitioners cannot be said to be on a better footing to seek anticipatory bail as such specially since petitioner No.1 is having similar cases against him and his antecedents are doubtful.

It is settled principle that anticipatory bail should be granted in exceptional cases and there is no element of false involvement and nor

the FIR has been lodged with mala fide purposes. Therefore, this Court is of the opinion that no ground for anticipatory bail is made out.

Accordingly, criminal miscellaneous petition is dismissed.

14.08.2020

Parveen

(G.S. SANDHAWALIA)

JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No