

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 31439 of 2020 (O&M)

Date of decision : 16.10.2020

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Sunil Kumar @ Sunny

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Sunil Saharan, Advocate for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for grant of pre-arrest bail has been filed by petitioner Sunil Kumar @ Sunny, aged about 24 years, son of Shri Prem, resident of village Khanda Kheri, District Hisar, an accused in FIR No. 606 dated 10.9.2019, for offences under Sections 379, 420 IPC, registered at Police Station Hansi City, District Hisar.

Briefly stated, the prosecution story is that the criminal machinery in this case was set into motion by complainant Krishan

Kumar son of Mai Lal, resident of village Sisai Bolan, Tehsil Hansi, District Hisar, who in a written complaint submitted by him to the police stated that he was having an account at SBI Branch, Hansi; that on 14.8.2019, he had gone to Punjab National Bank ATM, Hansi and got the balance in his account checked through some unknown person; that the balance was found to be correct; that subsequently on 10.9.2019, at about 11.30 A.M. when he went to SBI ATM at Tikona Park, Hansi, he found that a sum of Rs.4,50,000/- had been withdrawn from his bank account on different dates; in that way he had been cheated. Formal FIR was registered. Investigation in the matter started.

One Anil was arrested by the police, who got recovered 11 fake ATM cards and Rs.80,000/- from his possession. While being interrogated, he disclosed that his brother-in-law Sunil @ Sunny (present petitioner) was also involved in the criminal activities with him, by cloning of ATM cards and that Sunil @ Sunny, by doing that had withdrawn money from the account of the complainant.

After Sunil Kumar @ Sunny was nominated in this case, fearing his arrest, he had approached the Court of Sessions at Hisar, for grant of pre-arrest bail. His such petition, which was assigned to Additional Sessions Judge, Hisar, was however dismissed vide order dated 21.8.2020. Feeling still aggrieved, he has knocked at the door of this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State

counsel, besides going through the record.

The allegations against the petitioner are very grave and serious of cloning the ATM cards of various persons, including that of the complainant and withdrawing the money from his account using such fake ATM cards. The custodial interrogation of the petitioner is definitely required for complete and effective investigation, so as to find out the modus operandi of his doing so and details of the criminal transactions carried out by him. In case the custodial interrogation is denied to the Investigating Agency, that shall leave many loopholes and gaps, adversely affecting the investigation, which is uncalled for.

Finding, no merit in the petition, the same stands dismissed.

However, nothing discussed above shall have any bearing on the merits of the case.

16.10.2020
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(H.S. Madaan)
Judge

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