

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

CRM-M-39275-2019

Date of decision:06.02.2020

PIYUSH

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana
assisted by HC Naresh Kumar.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.256 dated 2.4.2019 under Sections 380, 427, 511 IPC registered at Police Station Civil Lines, District Karnal.
2. The case of the prosecution, in nut-shell, is that an Automated Teller Machine (A.T.M.) installed at the premises of Dena Cooperative Bank Limited i.e. at S.C.O. No.388-389, Mugal Canal Karnal was found to have been damaged as was noticed in the morning of 15.3.2019. Upon watching C.C.T.V. footage, it came to notice that some unidentified person who had covered his face had attempted to break open the lock of the A.T.M. with the help of an iron chain. However, no loss of cash was reported as the person was unsuccessful in his attempt to open the A.T.M. machine.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that it is a case where FIR came to be

lodged after two weeks of the alleged occurrence and nobody is named in the FIR.

4. Opposing the petition, learned State counsel has submitted that the petitioner is a habitual offender and there are two other cases registered against him and that in these circumstances, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court. In the present case there is no convincing circumstance at this stage to connect the petitioner with the alleged occurrence. The petitioner in any case is already stated to have joined investigation. Under these circumstances, this Court is of the opinion that the custodial interrogation of the petitioner is not warranted.
6. Accordingly the petition is accepted and the interim directions issued vide dated 16.9.2019 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

06.02.2020
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**