

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42449-2019

Date of Decision: 20.02.2020

Sudhir Kumar Sharma @ Anu Sharma

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Achin Gupta, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.171 dated 08.09.2019 under Sections 419/420/465/468/471/120-B IPC, 1860, registered at Police Station Kotwali Bathinda, District Bathinda. He apprehended his arrest at the hands of Police in the above said FIR.

On 03.10.2019, the following order was passed by the Court:

“Learned counsel for the petitioner contends that the information whereupon the FIR was registered simply describes the alleged modus operandi of the accused persons who withdrew the amount from the account of the account holders by misusing the particulars of their ATM cards. It is further pointed out that no instance of any such withdrawal etc is mentioned in the FIR much less against the petitioner. According to him, the custodial interrogation of the petitioner may not be required who is ready to join the investigation. Notice of motion for 20.02.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned State counsel has submitted that though the petitioner has joined the investigation, however, his custodial interrogation may be required as he is brother of co-accused Monu Sharma. It is pointed out that the petitioner and other co-accused used to clone the details of the credit/ATM Card of the innocent persons and used to withdraw the money from their account. It is pointed out that the petitioner did not cooperate in the investigation and to every question, a formal answer was given that he is innocent. She has argued that the petitioner used to prepare the fake ATM and Credit Cards and, therefore, his custodial interrogation is necessary to find out the manner in which the said electronic codes were cloned and used.

At this stage, learned counsel for the petitioner submits that his brother is already in custody and he has pointed out that the petitioner is residing at Ghaziabad and has been implicated falsely only on the ground that he happens to be brother of Monu Sharma.

After hearing the arguments, this Court is of the opinion that considering the nature of the offence and the manner of committing the same, the custodial interrogation of the petitioner is necessary as he has not cooperated while joining the investigation pursuant to the interim order dated 03.10.2019.

Resultantly, without meaning any expression of opinion on merits of the case, the petition fails and is dismissed.

20.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No