

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

CRM-M-23636-2020(O&M)

Date of Decision: 25.02.2021

Nanak Dev

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. B.S. Jatana, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARINDER SINGH SIDHU, J

Prayer is for grant of regular bail in case FIR No.115 dated 09.05.2020 under Section 420 IPC and Sections 66(B),66(D) of Information Technology Act, 2000 (Sections 411,465,467,468,471,120-B IPC added later on), registered at P.S Division No.5, District Ludhiana.

FIR was registered on the complaints made by Veer Parkash Singh, Assistant Excise and Taxation Commissioner, Ludhiana and Ms. Ravdeep Kaur, Assistant Excise and Taxation Commissioner, Ludhiana-1. In the complaint given by Veer Parkash Singh, it is alleged that he had been informed telephonically that some government transactions (failed transaction) of their office had been processed and amount was transferred in the account of the petitioner, which had not been transferred by their office. On inquiry of the said transactions on government website, it was found that 13 entries were made of amount being deposited in account of the petitioner, which was never processed by their office. The total amount involved vide said 13 entries is Rs.43,02,323. It is alleged that the accused hacked the official website, changed account numbers of failed transactions and while filling up his account number got transferred the payments into his account. Similarly, as per contents of complaint made by Ravdeep Kaur, an amount of Rs.5,40,493/- , which was due on account of leave encashment of one Hari Om, retired Sr. Assistant, was got deposited in the account of the petitioner. It is stated that on further inquiry, it has been found that transaction of four more entries of Rs.86,411/-, Rs.6,28,235/-, Rs.17,33,134/- and Rs.3,73,879/- had been processed and the amount was deposited in the account of the petitioner.

Learned counsel for the petitioner contends that the petitioner being posted as class IV employee cannot do hacking, which is typically technical in nature. It is submitted that as per prosecution, Rs.10 lacs have been recovered from the petitioner besides the gold ornaments worth Rs.5 lacs. Besides, his bank account had been frozen in which an amount of Rs.33 lacs was lying. There are as many as 41 witnesses, who are all official and that the petitioner is not in a position to influence to any of them. The petitioner is in custody since 09.05.2020.

Opposing the petition, the learned State counsel has submitted that considering the gravity of the offence, the petitioner does not deserve the concession.

Without commenting anything on the merits of the case and also bearing in mind the custody period, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Nanak Dev is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly.

February 25, 2021
manoj

(Harinder Singh Sidhu)
Judge

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