

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

(Heard through VC)

CRM-M-499 of 2022 (O&M)

Date of Decision: February 14, 2022

Sunil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Aakash Juneja, Advocate
for the petitioner.

Mr. Vishal Malik, DAG Haryana.

JAISHREE THAKUR, J. (Oral)

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.412 dated 19.06.2020, registered under Sections 406, 420 of Indian Penal Code at Police Station City Rohtak, Rohtak.

2. Counter affidavit furnished by the petitioner in compliance of order dated 10.01.2022 is taken on record.

3. Counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case, as the allegations as set out in the FIR are not sustainable. It is argued that the bail has been

declined by the court below by observing that the petitioner is a member of the gang, which used to withdraw money from the bank account by making clone ATMs, which observation is not correct. It is contended that the petitioner has nothing to do with the present case, as he has been nominated on the basis of disclosure statement suffered by the co-accused.

4. Notice of motion was issued in the matter, pursuant to which appearance has caused on behalf of the respondent-State.

5. Counsel appearing on behalf of the respondent-State, on instructions from the Investigating Officer, opposes the grant of anticipatory bail to the petitioner, by contending that the petitioner is a habitual offender and he is already involved in three more cases, details of which are given by the petitioner in his counter affidavit. It is also argued that the petitioner is a member of the gang, which used to withdraw amount by making clone ATMs.

6. I have heard counsel for the parties and have gone through the pleadings of the case.

7. There are serious allegations that have been levelled against the petitioner herein. The petitioner is stated to be a member of the gang, which used to withdraw money from the bank account of the innocent persons by cloning the ATMs. There are three more cases pending against the petitioner, out of which in two cases he is on bail and in one case, he is in custody. The modus operandi of the gang, of which petitioner is a member, is yet to be unearthed by the investigating agency, for which custodial interrogation of the petitioner is required. Under these circumstances, once custodial interrogation of the petitioner is required for a result oriented

investigation, this court is not inclined to grant anticipatory bail to the petitioner.

8. In view of the above, the instant petition is hereby dismissed.

February 14, 2022
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No