

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12255-2022
Reserved on: 29.03.2022
Pronounced on: 22.04.2022

Shamsher Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ranbir Singh Sekhon, Advocate for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
198	15.08.2021	Bass, Police District Hansi, District Hisar	420, 467, 468 IPC

1. The petitioner, incarcerated since 15 Aug 2021, upon his arrest in the FIR captioned above, came up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. In paragraph 15 of the bail application, the accused declares that although he was prosecuted in three FIRS; however, he was acquitted in all three.
3. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. Ld. counsel representing the State opposes bail.

REASONING:

5. Based on a prior information, the police had nabbed and searched the petitioner, which led to recovery of one ATM Cards cloning machine and three ATM cards from his personal search.
6. The petitioner contends that he had not used any of those cards and as such he is entitled to bail. This argument is based on assumptions that even if caught, the petitioner had no intention to use it. However, then what for he had kept these cards,

which were neither in his name and nor issued to him. An analysis of the allegations and

evidence collected does not warrant the grant of bail to the petitioner.

7. The next argument is that the petitioner is in custody since 15-08-2021. However, keeping in view the nature of allegations, and sentence prescribed in the statute, the custody cannot be considered as prolonged.

8. In the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail at this stage. However, it shall be open for the petitioners to file new bail application(s), initially before the Trial court and in case of dismissal before this court, in changed circumstances or after recording the statements of witnesses other than official and formal witnesses, whichever is earlier. The dismissal of this petition shall not come in the way while considering the fresh petition(s).

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

April 22, 2022
Sonia arora

Whether speaking/reasoned:	Yes
Whether reportable:	No.