

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

1) CRM-M-37829-2022 (O&M)
Date of decision: 29.10.2022

Amandeep Petitioner

versus

State of Punjab Respondent

2) CRM-M-40360-2022 (O&M)

Rajvir Singh Petitioner

versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner (in CRM-M-37829-2022).

Mr. Prateek Rathee, Advocate
for the petitioner (in CRM-M-40360-2022).

Mr. Ferry Sofat, Addl.A.G., Punjab.

Mr. Vishal Singh, Advocate
for the complainant.

NAMIT KUMAR, J.

These petitions have been filed under Section 439 Cr.P.C. seeking regular bail in a case bearing FIR No.116 dated 04.06.2022 under Sections 379/420/465/468/471/473/120-B of Indian Penal Code (Section 66-D of Information Technology Act, 2008 added later on) registered at Police Station City Sunam District Sangrur, Punjab. Both petitions are being taken up and disposed off together by this common order as both petitions are arising out of the same FIR. However, facts are being extracted from CRM-M-37829-2022 for the sake of brevity.

The case of the prosecution is that on 04.06.2022, ASI Harchetan Singh received a secret information that Amardass son of Sita

Ram, Amandeep son of Roshan Lal @ Aalu, Rajvir @ Pappu son of Bhuria and Sunil son of Mahipal, used to instigate the innocent people coming to ATM to withdraw the amount and get their ATM cards in a deceitful manner by replacing them with the duplicate ones. That thereafter, they withdraw money of innocent people through those ATM cards, or transfer money through PTM, or make shopping on line and at the shops. Said persons used vehicles bearing registration No. DL9CAP-8607, HR80A-2211, HR12T-4949, HR80C-2777, HR20AL-2437, HR20AN-5475 and mobile phones 9050045296, 9812685543, 7056246309, 9992009242, 8950156542, 8683902609, 7495051830 for causing the occurrence. They also used counterfeit number plates on the said vehicles. On that day, Amandeep and Rajvir @ Pappu along with i20 car bearing registration No. PB13AC-7740 were seen roaming around the ATMs installed in the city Sunam. That if Naqabandi was held, they could be nabbed.

Learned counsel for the petitioner submits that the police has not followed the provisions of law while conducting the personal search of the petitioners while conducting the test identification parade. He further submits that the petitioners are in custody since 08.06.2022 and has completed 04 months and 21 days and the matter has been compromised between the parties and copy of the compromise and affidavits of the alleged victims dated 27.09.2022 (Annexure P-4); 20.09.2022 (Annexure P-5) & 21.09.2022 (Annexure P-6) have been placed on record . He further submits that the challan has been presented and the case is now fixed before the trial Court for 04.11.2022 for consideration on the charge. Therefore, petitioners be enlarged on regular bail.

The learned State counsel has opposed the grant of bail on the ground of seriousness of the offences and submits that if granted bail, the petitioners might influenced the trial.

Heard counsel of both the parties and perused the records.

Keeping in view the period of incarceration and since the challan has already been presented against the petitioners and the likelihood of trial being prolonged, the present petitions are allowed. Culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioners.

Thus, without commenting upon the merits of the case, the petitioners are ordered to be released on regular bail during trial on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petitions stand disposed off accordingly.

29.10.2022
Neha

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No