

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-772-2022 (O&M)
Date of Decision: 10.03.2022

Monu Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.S. Sahu, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General,
Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.170 dated 16.07.2021, under Sections 379,420 and 511 IPC, registered at Police Station City Ratia, District Fatehabad.

Learned counsel for the petitioner has submitted that in the present case the petitioner was falsely implicated and the only allegation against the petitioner was that he was trying to use the ATM Card for the purpose of cloning but there is no direct evidence available with the police in this regard. He further submitted that although the petitioner is also involved in five other cases but the petitioner is already on bail in those cases. He further submitted that he is in custody from 16.07.2021 and the

investigation of the case is already complete and, therefore, no useful purpose will be served in case the petitioner is kept in custody for longer time.

On the other hand, Mr. Arya, learned Additional Advocate General, Haryana has submitted that the petitioner does not have clean antecedents. He is also involved in five more cases and most of those cases are also pertaining to such kind of offences although he is on bail in those cases but the petitioner has been repeating the same kind of offence again and again and it is the apprehension of the State that in case the petitioner is released on bail in the present case, he may again repeat such kind of offence. He further submitted that one of the other co-accused namely, Parveen son of Balwan is absconding and is yet to be arrested in the present case and in case the petitioner is released on bail in the present case, then he may also abscond. He further submitted that as per the allegation the petitioner had gone to the ATM machine where the complainant was already there and he took the ATM card from the complainant and swapped in his own machine and in this way the cloning of the card took place and when he was arrested on the spot there was a recovery of three ATM Cards and a machine and thereafter on his disclosure statement again three more ATM Cards were recovered. He further submitted that no prosecution witness has been examined in the present case and has therefore vehemently opposed the grant of regular bail to the petitioner.

I have heard the learned counsel for the parties.

Although the petitioner is in custody from 16.07.2021 and challan has already been presented in the present case but considering the

gravity and seriousness of the allegations contained in the present case and also the antecedents of the petitioner where he is involved in similar kind of five more cases, the petitioner would not deserve the concession of regular bail. The apprehension expressed by the learned State counsel that the petitioner has been repeating such kind of offence and even the other co-accused is absconding and there is likelihood that the petitioner may also abscond would carry weight.

Therefore, considering the totality of the aforesaid facts and circumstances, this Court does not deem it fit and proper to grant bail to the petitioner.

Consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

10.03.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No