

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.215

Case No. : CRM-M-1154-2023

Date of Decision : February 07, 2023

Gulam Sarwar Petitioner

vs.

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.510 dated 28.07.2018 (Annexure P-1), under Section 419, 420 IPC, 1860 (Sections 380, 201, 120-B IPC and Sections 66-C and 66-D of the IT Act added later on), registered at Police Station Surajkund, District Faridabad.

FIR in this case was registered on the statement of Ms. Poonam Rani with the allegations that she received a call from Bank that there were transactions initiated from her account through UPI. Upon this, she visited her Bank Branch and found that the balance in her bank account was Nil. During investigation, it was found that the accused persons used to commit ATM frauds. They used to make calls to the customers for upgrading their SIM cards from 3G to 4G network and used to get the account details from

the customers. They also used to prepare fake ATM Cards with swapping machines and then used to transfer money from the account of customers to their own accounts.

As per the Status Report, filed on behalf of the respondent-State, the name of the petitioner surfaced in the disclosure statement suffered by co-accused. The petitioner was absconding and evading his arrest. He was declared Proclaimed Person and FIR No.566 dated 12.09.2021 under Section 174-A IPC was also registered in this regard at Police Station Surajkund, District Faridabad. Later, the petitioner surrendered.

The challan in this case is already filed.

Learned counsel for the petitioner states that no amount was transferred in the account of the petitioner. He was not aware about registration of a case against him. On coming to know about the same, he surrendered before the Court. He has already been granted bail in the case registered against him under Section 174-A IPC. He is not involved in any other case. The allegations levelled against the petitioner are general in nature. The co-accused have already been granted bail. Therefore, concession of bail be also granted to the present petitioner.

Learned State Counsel has opposed the petition but has fairly conceded that the petitioner is in custody since 27.09.2022; no amount was transferred in his bank account and co-accused of the petitioner have already been granted bail.

Heard.

Keeping in view the fact that the petitioner is in custody since

27.09.2022; the challan has also been presented; he is not the beneficiary; he is not involved in any other case except under Section 174-A IPC, wherein he has been granted bail and the completion of trial will also take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, Faridabad.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

February 07, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.