

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

222

CRM-M-42104 of 2022 (O&M)

Date of Decision:17.01.2023

Monu Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P. S. Daliwal, Advocate,
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

This is a third petition 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, 511 IPC (Sections 379-A and 417 IPC added and Section 379 IPC deleted later on), registered at Police Station City Ratia, District Fatehabad.

It has been submitted by the learned counsel for the petitioner that the present is a third bail petition. The earlier bail petition was dismissed on merits by this Court on 10.03.2022 in CRM-M-772 of 2022. The second bail petition filed by the petitioner was dismissed as withdrawn on 03.08.2022. He submitted that now the custody of the petitioner is about 1½ years and he may be considered for the grant of regular bail.

On the other hand, Ms. Nidhi Garg, learned AAG, Haryana has stated

that it is a case where earlier the petitioner had withdrawn his bail petition on 03.08.2022 and filed this petition even there is no change of circumstance. She submitted that it is a case where the allegations against the petitioner were that he had entered an ATM machine premises where the complainant was also there and he took his ATM card and swap in his own machine and in this way he did cloning of the ATM card but thereafter he was arrested on the spot and there had been a recovery of three more ATM cards and a machine also and thereafter on his own disclosure statement, there was a recovery of three more ATM cards from him. She submitted that the petitioner is also involved in five more cases of similar nature where he had been cloning ATM cards and when he was released on bail, he repeatedly committed the same offence. She submitted that there is a strong apprehension with the State that in case the petitioner is released on bail then he will repeat the offence and he may abscond from justice and has therefore vehemently opposed the grant of regular bail to the petitioner.

I have heard the learned counsel for the parties.

Earlier the petitioner had filed a bail petition which was dismissed on merits and thereafter he filed another bail petition which was dismissed as withdrawn by him on 03.08.2022. No change of circumstance has been so stated by the learned counsel for the parties. The complainant was examined prior to the withdrawal of the second bail petition, although as per the learned counsel for the petitioner, the complainant did not support the prosecution version but the facts and circumstances pertaining to the allegations against the petitioner would show the magnitude and gravity of the allegations against the petitioner and would therefore disentitle him for grant of regular bail. The petitioner is stated to be involved in five more cases of similar nature and the apprehension which has been

expressed by the learned State counsel that in case the petitioner is released on bail, then he may again repeat the offence and may even abscond from justice, cannot be ignored and does carry weight.

In view of the aforesaid position and the apprehension expressed by the learned State counsel and also considering the gravity of the offence, the present petition being devoid of any merit, is hereby dismissed.

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

(JASGURPREET SINGH PURI)
JUDGE

January 17, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No