



228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35281-2024
Date of Decision: 13.11.2024

Tari Devi ...Petitioner
vs.
State of Haryana ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Prateek Rathee, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to her in case FIR No.350 dated 19.06.2024 registered under Sections 379, 406, 471, 420, 120-B of IPC, at Police Station Barwala, District Hisar.
2. The FIR in the present case was registered on the basis of the statement made by ASI Mange Ram and the same has been reproduced below:-

“To, The Station House Officer, Police Station Barwala. Jai Hind. Sir, today, I, A.S.I. along with Ct. Anil 1354, Constable Rakesh Kumar 397, EHC Hanuman No. 370 along with Lady Constable Ritu No. 1607/Hisar on government vehicle No. HR20GV3874 along with personal Laptop, Printer in regard to patrol duty and crime, was present at Barwala Road. That special informer appeared and informed that Sonu son of Baljit and his mother Tari wife of Baljit Singh residents of Kissan Colony Barwala who after cheated innocent people, after changed ATM Cards after seen ATM PIN have stolen money from ATM POS



Swap Machine. That today both the aforesaid persons for committing cheating ATM Swap Machine and for cheating innocent people for changing ATM are having ATM Card and from Hansi Road from the side of Barwla on Splendar Motor Cycle No. HR80B3072 are going towards Barwala City, in case immediate Nakabandi may be arranged then they can nabbed along with ATM Cards and ATM POS Swap Machine. That on admitted the information as true, companion employees have been informed about the information and at Barwala Road reached near Canal Bridge Barwala has started putting Nakabandi. After some time, as per the information of special informer from the side of Hansi on a Motor Cycle No. HR80B3072 Mark Splendar Black Color a boy and a lady seen coming. On which I, A.S.I. signaled the driver of Motor Cycle to stop the Motor Cycle, upon which the driver of Motor Cycle all of a sudden tried to turn back the Motor Cycle and to ran away, but the Motor Cycle turned off and the driver of Motor Cycle after left the Motor Cycle at the spot has succeeded in running and to the lady, I, A.S.I. with the companion employees nabbed her and asked her name and address, she disclosed her name as Tari Devi wife of Baljit Singh resident of Kissan Colony, Barwala and on the asking of me A.S.I. Tari Devi told that the boy who ran away is my son Sonu. That we both jointly after cheating innocent people, after changed ATM Card after cheated the people are doing the business of stealing money through ATM POS Swap Machine. That today, I and my son Sonu jointly for cheating people in Barwala City were going to steal the money after changed ATM Card. That search of Tara Devi has been conducted as per rules then in the black color Polythene holding in her hand in the brown color cardboard box one ATM POS Swap Machine and 12 ATM Cards have been recovered. That on checking the Number of ATM POS Swap Machine found 869831058672062, 869831058672070 and on the back side of Machine PRODUCT N910 POS Terminal ITE-



EU/WLBTCAS/SIM2/A7 Input 5V-2A, Made in China have been found which is broken from the top and on checking ATM, Card one Number 4591150177633120 of SBI Bank found on its bottom side PRITAM SINGH is marked and second ATM Card No. 4591150127034556 found on its bottom Ravinder Kumar is marked. Third ATM Card No. 6069860033446334 found on its bottom Om Parkash is marked. Fourth ATM Card No. 6075320156343849 on its bottom Sahil Kumar is marked. One ATM Card No. 6080250200069483 of HDFC Bank on its bottom HARPAL SINGH is marked, Second ATM Card NO. 4213280126566556 on its bottom GIFT PLUS is marked. One ATM Card No. 4505020003076346 of AXIS Bank on its bottom INSTA DEBIT CARD is marked, Second ATM Card No. 4173490010638951 on its bottom 916010082248687 is marked. ATM Card No. 5575542007780310 of Punjab National Bank on its bottom Rimpal Kumar is marked. Second ATM Card No. 5126523002104767 found, ATM Card No. 6078852609004532 of Andhra Bank and ATM Card NO. 6522281236000966 of Syndicate Bank found that total came to 12 ATM Cards. That on asking Tari Devi has not proved her ownership right of ATM POS Swap Machine and ATM Cards. That one ATM POS Swap Machine and 12 ATM Cards recovered from accused Tari Devi wife of Baljit Singh resident of Kissan Colony Barwala, after arranged a separate plastic box, prepared its separate parcel and sealed it with my seal bearing impression VN/1. The seal after used handed over to Constable Anil Kumar 1354. Parcel and Motor Cycle No. HR80B3072 have been taken into police possession through memo and the accused and witnesses have put their respective signatures on the Memo. That accused Tari Devi wife of Baljit Singh resident of Kissan Colony, Barwala for cheating the innocent people through ATM POS Swap Machine and changed 12 ATM Cards of people has stolen money out of their Accounts, by



keeping it into her possession has committed prima facie offence under Section 379, 406, 417, 420, 120- B, I. P. C. That after writing Ruga for registration of case the same is being sent to Police Station through Ct. Anil 1354. After registered the case, number be informed. The MHC of Police Station has been informed to send other investigating Officer for further investigation. I, ASI am busy in investigation at the spot. Present at Canal Bridge Hansi Road, Barwala Sd/- Mange Ram ASI.”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and the recovery of ATM cards was planted on her. In fact, the petitioner is an illiterate lady and even do not know how to operate an ATM card. She further contends that the recovery has already been effected from her and there is no independent corroboration of the prosecution version. Learned counsel further submits that the petitioner is in custody since 19.06.2024 and the challan has already been presented against her. Still further, the prosecution has not been able to examine even a single witness so far and there are no chances of early conclusion of the trial.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner is stated to be in custody for the last about 5 months and after completion of the investigation, the final report under Section 173 Cr.P.C. has already been presented before the Competent Court of law. The trial



is yet to formally commence against the petitioner and further custody of the petitioner will not serve any meaningful purpose. Moreover, the petitioner was never involved in any other criminal activity in the past.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

13.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No