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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-42041 of 2023
CRM-M-2769 of 2024
Date of decision:-12.03.2024

1.

CRM-M-42041 of 2023

RAJ KUMAR @ RAJ

... Petitioner
- Versus
- STATE OF PUNJAB

... Respondent
2.

CRM-M-2769 of 2024

KAMLE ALAM @ KAMRE ALAM @ NANKI

... Petitioner
- Versus
- STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Arun Sharma, Advocate
for the petitioner in CRM-M-42041 of 2023.

Mr. Sandeep Arora, Advocate
for the petitioner in CRM-M-2769 of 2024.

Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

1.
- Both the petitions arising out of the same FIR for grant of
regular bail has been taken up together for disposal.

2. The instant petitions have been preferred by the petitioners under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
76	10.07.2023	380, 420, 411 IPC	Division No.1 Jalandhar, District Jalandhar

3. Learned counsel for the petitioners contend that the petitioners are innocent and have no concern with the alleged crime. They contend that the petitioners are in custody since 10.07.2023 and the challan has already been presented in Court, however prosecution has examined only 2 witnesses out of 18 witnesses. They submit that the petitioners are on bail in other cases, as such they pray for grant of concession of bail to the petitioners.

4. *Per contra* learned State counsel contends that the petitioners are not entitled for concession of bail considering that they have cheated innocent persons by replacing their ATM cards by misusing them.

5. As per the case of the prosecution the petitioners used to take ATM cards of innocent persons and replace it with fake one and in the process had withdrawn amount from their accounts. As per allegations levelled in this case petitioners have withdrawn ₹16,000/- by using ATM card of some other person and also were found in possession of stolen Aactiva scooter. The challan against the petitioners has already been presented in Court after conclusion of investigation. As stated above 2 witnesses have been examined out of 18 witnesses cited by the prosecution

till date. The petitioners are in custody since 10.07.2023 in a case triable by the Court of Magistrate. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no useful purpose would be served by keeping them behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioners behind bars. Therefore, the present petitions are allowed. The petitioners are ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

12.03.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No