

2025:PHHC:027629



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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-10339-2025
DECIDED ON: 27.02.2025**

SUMIT

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Shweta Bawa, Advocate for
Mr. Balraj Gujjar, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.289, dated 02.11.2019, under Sections 406, 420, 467, 468, 471, 120-B of IPC and Section 67 of the Information and Technology Act, registered at Police Station City Narwana, District Jind.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

*“To, the Station House Officer, Police Station City Narwana.
Subject: Regarding Bank Fraud. Sir, it is requested that I, Rohit Garg S/o Sh. Devidayal, R/o Jawahar Nagar, Baba Kundi Street No.2, Narwana, District Jind. That today on dated 31.10.2019 at about 08:20 in the morning, I received message that money has been withdrawn through ATM from my account of State Bank of*

India, in which transaction of Rs.20,000/- was made. But I had not withdrawn this amount. I am doing job at Delhi and my ATM is lying with me. The account number of which is 65128494978 with Branch Narwana. At the end, it is requested that after taking necessary action, amount may kindly be returned to me and legal action may be taken against the person who is responsible for the same. Thanking You. Dated 31.10.2019. Applicant Rohit S/o Sh. Devidayal, Jawahar Nagar, Baba Kundi Street No.2, Narwana, District Jind, Haryana. Mob No.8708524557. Today at Police Station: Today on 02.11.2019, after receiving one complaint No.13230028071900056 dated 31.10.2019 through all time portal, FIR No.289 dated 02.11,19 has been registered u/s 406, 420 Indian Penal Code, Police Station City Narwana. After preparing copies of FIR through computer, these are being sent to Senior Officials. The copies of case file alongwith original complaint is lying with me and I ASI alongwith C-Rajesh 1030 are going at the place of occurrence.”

3. **Contention**

On behalf of the petitioner

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, which pertains to an FIR registered in the year 2019. He further submits that after a lapse of five years, the Investigating Agency issued a notice under Section 35 of the BNSS dated 29.01.2025 (Annexure P-2). It is contended that the recovery in this matter has already been made from the co-accused, and therefore, there is nothing further to be recovered from the present petitioner.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the

present petition stating that the petitioner alongwith his co-accused hatched a criminal conspiracy and cheated the complainant by swiping the ATM card in Mini DX Electronic Device and after preparing the duplicate ATM card withdrew an amount of Rs.20,000/- from the account of the complainant.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that except disclosure no overt act has been attributed to the present petitioner and no recovery is to be effected from him, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts

of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

27.02.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>