

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

CRM-M-13456 of 2015

Date of decision : 01.07.2015

Kaptan Singh

..... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE DARSHAN SINGH

1. Whether Reporters of the local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Mr. S.S. Duhan, Advocate for petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

DARSHAN SINGH, J.

This second petition has been filed by petitioner Kaptan Singh for grant of regular bail in case FIR No.12 dated 06.05.2014 under Section 395 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, Police Station G.R.P. Jind.

2. As per the prosecution allegations, on 05.05.2014, complainant Vinod Kumar collected Rs.13,71,000/- from Jyoti Madam. When he was proceeding on his motorcycle towards Mal Godown

Railway Crossing, he was waylaid by three young boys. They stopped his bike, inflicted injuries to him by knife and snatched the bag containing cash and, thereafter, they ran towards Loco Colony, Jind on two motorcycles. The present petitioner was arrested on 18.07.2014. Since then he is in custody.

3. Learned counsel for the petitioner contended that the previous petition for bail filed before this Court was withdrawn on 27.01.2015, as by that time no prosecution witness was examined but now the star witness of the prosecution complainant Vinod Kumar has already been examined, who has not supported the prosecution version and has not deposed anything against the present petitioner. He further contended that the petitioner has only been implicated on the basis of the disclosure statement made by co-accused, who was arrested in some other case. The recovery of Rs.4200/- has been planted just to create the evidence by the police. It is not believable that a person will conceal the currency notes beneath the stones. Moreover, the occurrence is alleged to have taken place on 05.05.2014 and the recovery is alleged to have been effected on 20.07.2014 i.e. after more than two and a half months. He further contended petitioner is in custody for the last about one year. All other witnesses are the police officials. So, there is no apprehension that the petitioner will tamper with the prosecution evidence. Mere this fact that two other cases have been registered against the petitioner is no ground to grant him the concession of bail. He is not a previous convict. So, he deserves the concession of bail.

4. On the other hand learned State counsel pleaded that the petitioner is a hard-core criminal. Two other cases have been registered against him. He has participated in this serious occurrence where a sum of Rs.13,71,000/- were looted. A sum of Rs.4200/- were recovered from the possession of the petitioner on the basis of his disclosure statement.

5. The aforesaid contentions have been duly considered.

6. This fact has not been disputed at bar by the learned State counsel that the previous petition for bail was withdrawn by the petitioner as by that time no prosecution witnesses was examined. Now complainant Vinod Kumar has already been examined by the learned trial Court on 24.02.2015. Some other witnesses have also been examined thereafter. This fact has also not been disputed that complainant Vinod Kumar has not identified the present petitioner while deposing in the Court.

7. The version of the prosecution with respect to the recovery of Rs.4200/- from the possession of the petitioner on the basis of his disclosure statement lying underneath the stones adjoining to Hansi branch canal after about 2 ½ months of the occurrence is quite debatable. It is not disputed that the petitioner has been arrested on the basis of the disclosure statement made by the co-accused. The admissibility thereof is also quite debatable.

8. The petitioner is in custody for the last more than 11 months. The conclusion of the trial will take time as various prosecution witnesses are yet to be examined. Mere this fact that two other criminal

cases have been registered against the petitioner is no ground to decline him the bail in this case. Thus, keeping in view my aforesaid discussion and without expressing anything more on the merits of the case, the present petition is hereby allowed. Petitioner Kaptan Singh is ordered to be released on bail on furnishing bail bonds in the sum of Rs.2,00,000/- with two local sureties each in the like amount, to the satisfaction of learned trial Court.

01.07.2014*sunil yadav***(DARSHAN SINGH)
JUDGE**