

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

**CRM-M No.7507 of 2016 (O&M)
Date of Decision: 04.04.2016**

Ashu Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Partap Singh, Advocate for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State assisted by ASI Satish Kumar.

JASWANT SINGH, J. (Oral)

Present 2nd petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Ashu Kumar in case FIR No.119 dated 30.08.2015, under Sections 454, 380, 409, 120-B of the Indian Penal Code, registered with Police Station Sadhaura, District Yamuna Nagar **(Annexure P-1)**.

In the investigation, it has surfaced that co-accused Chander Mohan was in debt and in conspiracy with the present petitioner/accused-Ashu Kumar and co-accused/non-applicant Ajay Raj committed the theft of Rs.13 Lacs (approx.) from the ATM established in the Sadhaura Branch of State Bank of India. The password for opening the lock was furnished by the co-accused Ajay Raj, employed as Clerk in the SBI, Sadhaura Branch.

The role of the petitioner, who is working as a Clerk with SBI, Yamuna Nagar Branch is of having introduced the co-accused Ajay Raj with his friend/main accused Chander Mohan. The petitioner is alleged to have received a sum of Rs.1 Lac as his share.

It is contended that the case is triable by a Magistrate and the petitioner is in custody since 02.09.2015 i.e. more than seven months. He further submits that the role of the petitioner at best is of a conspirator and facilitator.

Learned State Counsel, assisted by ASI Satish Kumar, does not refute the factual position. He further submits that only 01 out of 22 cited PWs has since been examined.

Without commenting on the merits of the case, keeping in view the role attributed to the petitioner, custody period, the fact that the case is triable by a Magistrate and the trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

April 04, 2016

Gagan

**(JASWANT SINGH)
JUDGE**