

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

**CRM-M-23002 of 2017**  
**Date of Decision: 07.07.2017**

Mani Kumar @ Tinku

....Petitioner

**VERSUS**

State of Punjab

....Respondent

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Rahul Rampal, Advocate  
for the petitioner.

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**SURINDER GUPTA, J.(Oral)**

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 120 dated 05.05.2017 registered for the offence punishable under Section 382 read with Section 120-B of Indian Penal Code (for short, "IPC") at Police Station Division No. 5 Ludhiana, District Ludhiana.

Heard.

Notice of motion.

On asking of the court, Ms. Rajni Gupta, Sr. DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

FIR was registered on the statement of Jaideep Singh @ Munna, wherein he has stated that on 29.04.2017, he was present in his house, when manager of his company, namely, Patel Upinder Bhai @ Vakeel came and handed over ₹4 lacs to him. At about 10.00 a.m. he went to his office and returned at 01.15 p.m. to have meals. After about 10-15

minutes two police officials, who were keeping beard and one clean shaven person came there in civil dress, gave slaps to complainant and started conducting search. They picked up the bag having currency and asked complainant to accompany them. Complainant accompanied them but on the way they ran away from the spot alongwith money which in the supplementary statement was described as ₹20 lacs.

Learned counsel for the petitioner submits that the petitioner has been named as one of the conspirators and no recovery has been effected from him. He has been arrested on 07.05.2017 and after investigation challan has also been presented against him. It is a matter of evidence as to whether he was one of the conspirators because only evidence against him is disclosure statement of co-accused.

Learned State counsel submits that besides three persons who actively participated in the occurrence, the petitioner and two other persons were also named as conspirators. Though, no recovery was effected from the petitioner but recovery of ₹3 lacs was effected from the shop where he was working.

The petitioner has been nominated in this case on the basis of disclosure statement of Gurkewal Singh. No recovery was effected from him. The recovery was effected from the place where the petitioner was working as an employee. The evidence and statement of Gurkewal Singh is a subject matter of scrutiny by the trial Court to find as to whether offence of conspiracy is made out against the petitioner. Challan is stated to have been presented in this case and trial is in progress.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take

considerably long time, the present petition is allowed. Petitioner-Mani Kumar @ Tinku is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

**July 07, 2017**  
**jk**

**( SURINDER GUPTA )**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No