

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

CRM-M-24806 of 2017
Date of decision:-21.11.2017

Arun Yadav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr. Neeraj Kumar, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by Arun Yadav – an accused in FIR No.23 dated 9.2.2017, under Sections 392, 379-A, 406, 409, 420, 427, 120-B, 201, 436 IPC registered with Police Station PGIMS, Rohtak, District Rohtak.

Briefly stated, the facts of the case as per prosecution version are that FIR in question was recorded at the instance of Sh.Neeraj Kumar son of Suresh Kumar, resident of Plot No.24/8 Industrial Area Phase II, Ram Darbar, Chandigarh in which he stated that on 9.2.2017 Pardeep Kumar, Supervisor of Security Guards informed him that three unknown boys had put the ATM installed at Gandhi camp, Rohtak on fire; that

accordingly, he went there and Guard Bindu informed him that a young man came to ATM in the early morning hours i.e. about 2:00 a.m. to take out the cash; that when the guard resisted, the boys put the ATM on fire by sprinkling petrol on it and also looted mobile phone of guard; that thereafter they ran away on motorcycle; that the fire reached at the shop of Pardeep son of Sardar Amar Singh, resident of Gandhi Camp; that out of the ATM machines installed, one was out of order and cash was put in the second machine; that earlier cash worth Rs.94,900/- was in the ATM and an amount of Rs.34 lacs was put in it on 8.2.2017, out of which a sum of Rs.3,97,500/- was withdrawn by the customers leaving remaining amount of Rs.30,97,400/-; that the three unknown boys had looted the mobile of guard besides putting the ATM on fire caused a huge loss. After registration of the FIR, the matter was investigated. It was found that one Sukhvender Singh along with Jaibir were the gunmen and Balraj and Arun Yadav (present petitioner) were the cash custodian, who were entrusted with the task to put cash in the ATM machine, but they used to put less cash in ATM machine. Accused Arun Yadav was arrested, who had suffered a disclosure statement and in pursuance of that got recovered Rs.7,35,000/- which belong to the bank. He is in custody. The petitioner had moved an application for regular bail, which was dismissed by learned Additional Sessions Judge, Rohtak vide order dated 3.4.2017, as such he has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going

through the record.

Learned counsel for the petitioner has argued that co-accused of the petitioner had been granted regular bail; that the petitioner is in custody since 10.2.2017; that the conclusion of the trial is likely to take some time and further detention of the petitioner shall not served any purpose, as such, he be granted regular bail.

Whereas, this request is being opposed by learned State counsel contending that the petitioner being employed to look after putting of cash in the ATM machines had put less cash and had committed criminal breach of trust and he was part of conspiracy to commit the incident so that deficiency in the cash amount could not be detected. Furthermore, the co-accused, who has been granted bail was just working as gunman, whereas the present petitioner had a considerable role to play in the incident and his participation in the crime is fortified from the fact that cash amount of Rs.7,35,000/- had been recovered from him. Therefore, bail may not be granted to the petitioner.

After considering the rival contentions, I find that keeping in view the nature and gravity of the offence committed by the petitioner, he does not deserve concession of regular bail more particularly when the State counsel has contended that there are reasonable chances of his absconding and tampering with the prosecution evidence, if released on bail.

Thus, finding no merits in the petition, the same stands dismissed.

However, while parting the discussion, the trial Court is

directed to make earnest endeavour for expeditious disposal of the trial by granting short dates and conclude the same preferably within a period of six months from the date of receipt of certified copy of this order.

21.11.2017

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(H.S.MADAAN)**JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**