

**Sr. No.213
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-23460 of 2017 (O&M)

Date of Decision: 17.01.2018

Sarbjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

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

Ms.Jaspreet Kaur, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.120 dated 05.05.2017, under Sections 382/411/120-B and Sections 395, 412 IPC (added later on), registered at Police Station Division No.5, District Ludhiana.

Counsel for the parties have been heard.

FIR was registered on the statement of Jaideep alias Munna. It was alleged 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 Rs.04 lacs to him. Complainant asserted that at about 10:00 a.m. he went to his office and returned at 1:15 p.m. to have a meal and after about 10-15 minutes, 02 police officials and 01 clean shaven person in civil dress entered the premises and having given slaps to the complainant started to conduct a search. They allegedly picked up the bag containing the

currency and asked the complainant to accompany them. Thereafter, the accused are stated to have run away along with the money. In a supplementary statement recorded of the complainant the amount was enhanced from 04 lacs to Rs. 20 lacs.

Present petitioner was arrested on 09.05.2017.

It has gone uncontroverted that the petitioner has been implicated on the statement of co-accused.

The recovery from the petitioner is not of any money/currency but that of a scooter.

Co-accused, namely, Mani Kumar @ Tinku, Kamal Kishore @ Mintu, Neelam and Surjeet have been granted benefit of bail.

Court has also been informed that the petitioner who was a Head Constable in Punjab Police has since been dismissed from service.

Investigation having been completed, challan already stands presented.

State counsel would oppose the prayer for bail by submitting that involvement of the petitioner is apparent on the basis of a CCTV footage. It is, however, conceded that the report from the FSL in regard thereto is still awaited.

During the course of arguments, counsel representing the petitioner has adverted to the order dated 30.10.2017 passed by this Court in CRM No.M-24748 of 2017 granting bail to the co-accused Kamal Kishore @ Mintu and wherein it has been observed that other co-accused who were also allegedly visible in the CCTV

footage have been granted benefit of bail.

In the totality of the circumstances, on the ground of parity and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail
subject to satisfaction of trial Court/Duty Magistrate, Ludhiana.

Disposed of.

17.01.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No