

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

CRM-M No.40798 of 2018

Date of Decision: 04.12.2018

Manish Kumar alias Mannu

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Namit Khurana, Advocate
for the petitioner.

Mr. R.S. Doon, A.A.G., Haryana.

DAYA CHAUDHARY, J. (ORAL)

Petitioner-Manish Kumar alias Mannu has filed the second petition under Section 439 Cr.P.C for grant of regular bail to him in case FIR No.555 dated 14.07.2017 registered under Sections 408, 420, 411, 120-B IPC and Sections 13, 13-A-67 of the Gambling Act, 1867 at Police Station Civil Lines, District Karnal.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved. He submits that the petitioner has no concern with the alleged offence as he is neither an employee of the Bank nor of Secure Value India Limited. There is no allegation that the petitioner either has removed the cash at any point of time from the ATMs or any transaction is there to commit fraud or to cheat the complainant company or Bank and no offence is made out against

him. Learned counsel further submits that the petitioner is not named in the FIR and there is no specific attribution in commission of offence. Nothing has been recovered from him. He has been implicated on the basis of disclosure statement made by co-accused, which is not admissible. No evidence has been collected by the Investigating Agency to connect the petitioner with the commission of offence. Learned counsel also submits that co-accused, namely, Charanjit Singh alias Prince has been released on regular bail vide order dated 30.10.2017 passed in **CRM-M No.39233 of 2017**. The petitioner is in custody since 27.07.2017. Not only co-accused Charanjit Singh alias Prince but total five accused are on bail and two are in custody. However, out of total 16 witnesses, 6 witnesses have been examined. The complainant has also been examined. The offence is triable by the Magistrate and no useful purpose would be served by keeping the petitioner behind bars.

Learned State counsel has not disputed the submissions made by learned counsel for the petitioner with regard to not mentioning the name of the petitioner in the FIR and his role but admitted his implication on the basis of disclosure statement. No recovery was effected from him. It is also not disputed that co-accused Charanjit Singh alias Prince has been released on regular bail and petitioner is on better footing *viz-a-viz* aforesaid co-accused, who has been released on regular bail vide order dated 30.10.2017.

By considering that the petitioner is in custody since 27.07.2017 and was implicated on the basis of disclosure statement made by co-accused; all material witnesses have been examined including the complainant, the present petition is allowed and petitioner, namely,

Manish Kumar alias Mannu is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

04.12.2018
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No