

CRM-M-43909 of 2018

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

CRM-M-43909 of 2018
Date of Decision: 10.10.2018

Harkamal Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Vijay Lath, Advocate, for the petitioner.
Mr. A.P.S. Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., prayer has been made for grant of regular bail to petitioner in case arising from FIR No.115 dated 16.07.2018 registered under Sections 392, 34 IPC and Sections 25 and 27 of the Arms Act, 1959 (Sections 394 IPC and 192 of the Motor Vehicles Act added later on) at Police Station Nangal, Tehsil and District Rupnagar, Punjab.

Learned counsel for the petitioner *inter alia* contends that no identification parade was conducted. Therefore, identify of the petitioner is in dispute. Petitioner is young man of 23 years and is the son of a military personnel. Final report has been filed. No proof regarding alleged currency taken away by the petitioner has been annexed with the final report under Section 173(2) Cr.P.C. No recovery has to be effected from the petitioner. Framing of charge and conclusion of trial may take a sufficient long time. Two juvenile co-accused of the petitioner have been released on bail.

Therefore, treating the case of the petitioner on same parity, he may also be

CRM-M-43909 of 2018

enlarged on bail. Learned counsel placed reliance on *State of Kerala v. Raneef*, 2011(1) R.C.R.(Criminal) 381 (S.C.), *Sanjay Chandra v. CBI*, 2011(4) R.C.R.(Criminal) 898 (S.C.), *Moti Ram and others v. State of M.P.*, 1978 AIR (SC) 1594, *Sushil Kumar v. State of Haryana*, 2000(2) R.C.R.(Criminal) 230 P&H), *Haamji and others v. State of Rajasthan*, 2007(5) R.C.R.(Criminal) 441 (Raj.) and *Sushil Kumar Yadav v. State of U.P.*, 2002(1) R.C.R.(Criminal) 354 (All.).

On the other hand, learned State counsel opposing the prayer for grant of regular bail to the petitioner, submits that a licenced double barrel gun of his father was recovered from the petitioner. Petitioner along with his accomplice has committed a daylight robbery on the shop of a money exchanger.

In view of the totality of facts and circumstances that petitioner committed daylight robbery at the Western Union money exchanger, having branches all over the word and took away huge Indian and foreign currency, petitioner does not deserve the concession of regular bail.

Facts and circumstances of the authorities relied upon by learned counsel for the petitioner are distinguishable on the facts and circumstances of the case in hand. Therefore, no benefit of the same cannot be given to the petitioners.

Dismissed.

(RAMENDRA JAIN)
JUDGE

October 10, 2018
R.S.

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No