

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

**CRM-M No. 50126 of 2018
Date of Decision:-20.11.2018**

Sunil Kumar alias Mohit

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Vishal Sharma (Vasudeva), Advocate
for the petitioner.

Mr. H.S. Sullar, DAG, Punjab assisted by
ASI Darshan Lal.

MANOJ BAJAJ J.(Oral)

Petitioner Sunil Kumar @ Mohit has filed this petition seeking regular bail in case FIR No.173 dated 29.8.2018 (Annexure P-1), under Section 379-B read with Section 411 of the Indian Penal Code, Police Station Garhshankar, Tehsil Garhshankar, District Hoshiarpur.

Initially, the FIR was registered on the basis of statement of Amar s/o Naresh Kumar and according to him, the occurrence took place on 29.8.2018 at a Petrol Pump where he was employed as salesman. He alongwith his co-employee, namely, Gurpreet Singh, who worked as Supervisor, were present on petrol pump, when at about 2.00 AM, two youngsters, with covered faces, came and with the help of weapons, carried by themselves, snatched money from them. On the basis of his statement, the FIR was registered.

Learned counsel for the petitioner contends that as per the version, as narrated in the FIR, only two persons had come and no injury was caused. After investigation, the complainant as well as his co-employee Gurpreet Singh s/o Manohar Lal were arrayed as accused. Learned counsel further submits that it is on the disclosure statement, suffered by Amar, petitioner has been indicted in this case and the said statement is not admissible in evidence.

Learned State counsel on the other hand opposed the bail application on the ground that one knife and jacket, used in the crime, were recovered from the petitioner. The investigation in the case has been completed and challan has been filed on 14.11.2018. The petitioner is in custody since 15.9.2018.

As the investigation is complete and trial is likely to consume time, no useful purpose would be served by keeping the petitioner behind the bars.

Considering the fact that complainant/employees of the petrol pump themselves were involved in the alleged offence, therefore, without commenting anything on the merits of the case, petitioner is ordered to be released on bail, on his furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

The petition is allowed.

November 20, 2018
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No