

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

CRM-M-6898-2018 (O&M)

Date of decision:02.04.2018

Munish Kumar @ Roney

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. Vishavjeet Singh, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.134 dated 07.07.2017 under Sections 394/34 I.P.C (Sections 395/397/411/148/149 IPC added subsequently), registered at Police Station, Model Town Ludhiana, District Ludhiana.

Learned counsel for the parties have been heard.

FIR came to be registered on the statement of Amit Malhotra in relation to an alleged occurrence dated 6.7.2017. Complainant asserted that he was doing the work of money exchange and on the date in question was proceeding home on his scooter after closing the shop at about 8.45 P.M when he was intercepted by three unnamed assailants. One of them is alleged to have hit him with a datar and which landed on the palms of both his hands. One other assailant gave a datar blow on the left shoulder and third inflicted a datar blow which landed on the helmet that the complainant was wearing and which broke on account of such datar blow. Thereafter, the

three assailants are stated to have snatched a bag containing Rs.20,000/- in Indian currency as also other foreign currency.

As per prosecution version, a supplementary statement of the complainant was recorded on 13.8.2017 in which he has furnished a details of the other foreign currency snatched in terms of specific amounts in U.S Dollars, Euros, Kuwaiti Dinar, American Dollars, New Zealand Dollars, Canadian Dollars, U.K. Pounds etc.

Present petitioner along with five other co-accused were arrested on 16.8.2017 based on secret information.

As per prosecution version, the recovery effected from the present petitioner is of Rs.7 lacs and a datar.

Investigation in the case is complete, challan has been presented and even charges have been framed.

Trial is at the very initial stage and would take time to conclude.

It has been argued by counsel for the petitioner that as opposed to the complainant's version that he had been attacked by three unknown assailants, the investigating agency has arrested 6 persons including the present petitioner. Furthermore, it may be noted that even though complainant had stated that he had been robbed of a bag containing Rs.20,000/- in Indian currency, the investigating agency has effected a recovery of Rs.7 lakhs in Indian currency from the petitioner itself apart from the other co-accused.

In the facts and circumstances of the case, no useful purpose would be served by keeping the petitioner in custody till the culmination of the trial.

Co-accused, namely, Avtar Singh, Vivek Kumar, Anurudh @ Prince and Gursewak Singh @ Giani @ Guri as also Pardeep Kumar have been granted benefit of bail by this Court.

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate concerned.

Petition disposed of.

02.04.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |