

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9028-2018 (O&M)
Date of Decision: 12.03.2018

Avtar Singh @ Tara

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. J.S. Lalli, Advocate for the petitioner.

Mr. A.P.S. Jaurkian, A.A.G., 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 7.7.2017 under sections 395, 397, 411, 148, 149 I.P.C, 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.3,61,000/- and a *Daat/Loha*.

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.3,61,000/- 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 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.

(TEJINDER SINGH DHINDSA)
JUDGE

12.03.2018

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