

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-825-2019 (O&M)
Date of Decision:- 26.3.2019

Rahul ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ravi Malik, Advocate, for
Mr. S.K.Panwar, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in case registered vide FIR No.750, dated 24.11.2017, registered at Police Station DLF-II, District Gurugram, Haryana, under Section 408 IPC.
2. The FIR was registered at the instance of Shivanand Singh, Branch Incharge, in the office of SIS Prosegur Pvt. Ltd. It is alleged that on 24.11.2017, an amount of ₹1.19 Crore was put in the Van for the purpose of loading the same in ATM Machines and keys of the box containing the cash were handed over to Hemant Kumar, Cash

Officer and Sahil Kumar, Cash Officer. The van was driven by Prempal who was accompanied by gunman Naresh Chander. It is alleged that at about 3.40 p.m., Sahil Kumar, Cash Officer, informed the complainant telephonically from Ambience Mall that he and Hemant had come to Ambience Mall for the purpose of loading cash in the ATM Machine and that while he went to work on ATM Machine, Hemant went away from Ambience Mall after removing cash from the box and although he kept waiting for him at the machine but he never turned up. Sahil thereafter checked the cash by breaking the lock and found that only an amount of ₹ 5 lacs was there in the box. Another amount of ₹ 14 lacs had however been loaded in ATM Machine. It is thus alleged that Hemant had decamped with an amount of ₹ 1 Crore of the company.

3. It is further the case of the prosecution that subsequently Hemant Kumar was arrested and an amount of ₹ 25 lacs were recovered from him. It is further the case of the prosecution that an amount of ₹ 50 lacs was recovered from co-accused Shekher and another amount of ₹15.85 lacs was recovered from the petitioner.
4. Learned counsel for the petitioner has submitted that he has been behind bars since the last about 1 year and 3 months and is no longer required for any useful purpose and has thus prayed for grant of regular bail.
5. Opposing the petition, learned State Counsel has submitted that in view of the serious nature of offence and that the entire amount has

not been recovered so far no case for grant of bail is made out. It has however been informed that as on date 3 PWs out of the cited 16 PWs have been examined.

6. Having considered rival submissions and also the fact that as on date only 3 out of the cited 16 PWs have been examined despite the fact that petitioner has been in custody since last more than 1 year and 3 months, in my opinion, it is a fit case for grant of regular bail. The petition, as such, is accepted and petitioner-Rahul is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
7. This petition stands accepted accordingly.
8. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

March 26, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No