

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46766-2019(O&M)
Date of decision: 07.11.2019

Abhishek Sharma @ Abhi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. A.P.Kaushal, Advocate for the petitioner

Mr. Hittan Nehra, Addl. AG, Punjab

ANIL KSHETARPAL, J. (ORAL)

Petitioner prays for regular bail in FIR No.279 dated 26.8.2019 registered under Sections 379-B, 34 IPC and Section 25 of Arms Act (Sections 203, 120-B IPC added later on) at Police Station Division No.5, Ludhiana.

The gist of the case of prosecution as noticed by learned Court of Sessions in its order is extracted as under:-

“In this case, as per the version of prosecution, the applicant was involved with Rajinder Pal Singh along with another accomplice for the snatching of amount of Rs.10 lacs thereby reflecting that the said amount of Rs.10 lacs was snatched by someone else from Rajinder Pal Singh, who was working as Head Cashier in PSPCL. This story alleged to have been concocted by Rajinder Pal Singh, Head Cashier is that he was working as Head Cashier in PSPCL and as usual he was going to

deposit the said amount of Rs.10 lacs in Agar Nagar Branch of PSPCL after obtaining the same from Kithlu Nagar Branch of PSPCL. Telephonic information was given to complainant SDO Gurpreet Singh by the said Rajinder Pal Singh at about 4:00 P.M that near the gate no.2 of Punjab Agricultural University, two motorcyclist having lethal weapons had extorted the amount from him. The applicant was one of those two motorcyclist who had allegedly snatched the said amount. The information was given to the police and there was suspicion about the involvement of the Head Cashier Rajinder Pal Singh in facilitating the snatching. So, while holding naka near Jawahar Nagar Camp, Ludhiana one Baleno Car bearing registration No.PB10GY-6620 was given signal by the police party to stop and it was found that said Rajinder Pal Singh Head Cashier was accompanying the applicant and his other accomplice in the car who had allegedly committed assault upon him to snatch the said amount. Prima facie from the story of the prosecution, the applicant had manipulated with Rajinder Pal Singh to fabricate the story of snatching of the amount of Rs.10 lacs from him so as to usurp the same and keeping in view the facts that huge amount which was a public money to the tune of Rs.10 lacs is involved.”

Learned counsel for the petitioner contends that Rajinder Pal

Corporation Limited. He submits that petitioner was merely driving the vehicle alongwith his two friends. He submits that there is no evidence to link petitioner with the crime.

On the other hand, learned State counsel submits that petitioner was driving the vehicle and the amount was recovered from the dash board of the car.

Investigations are complete. Police report as required under Section 173 Cr.P.C has been submitted. Further incarceration of the petitioner at this stage would not be justified. As per the information supplied by the learned State counsel on instructions from ASI Jaspal Singh, petitioner is not involved in any other case.

Without commenting on the merits of the case and keeping in view the aforesaid facts, it is considered appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Petition stands allowed.

07.11. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No