

252 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37063-2018 (O&M)

Date of decision-25.01.2019

Munish Kumar @ Sonu Bhalwan

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Navraj Singh Mahal, Advocate for the petitioner.

Mr. N.K.Banka, DAG, Punjab

MANOJ BAJAJ, J.

CRM-38838-2018

Application is allowed as prayed for.

Annexures P-4 to P-8 are taken on record.

Main case

Munish Kumar @ Sonu Bhalwan has prayed for grant of regular bail in case FIR No.187 dated 26.08.2011 under Sections 392, 336 and 120-B of Indian Penal Code and Sections 25, 54 and 59 of the Arms Act registered at Police Station Navi Baradari, District Jalandhar. He is in custody since his arrest from 11.01.2018.

The FIR was registered on the statement of Sanjeev Aggarwal with the broad allegations that on 26.08.2011 at about 8.30 p.m. after winding up the work, the complainant had put the documents, Rs.5,000/-, keys of the safe in the shop and accounts paper in the briefcase and came

out. His workers, namely, Deepak and Sonu were with him and after locking the shop when complainant was standing in front of it, suddenly four young boys with dark complexion aged around 20-22 years came there. All of them were holding pistols and one of the boys fired towards feet of one of employees, whereas another one pushed him and picked up briefcase. Some resistance was shown by his employee-Sonu but they threatened him and he left the briefcase. Then all four fled away from the spot with the briefcase. It is further narrated that his matter for renewal of license was being dealt with by Amit Verma brother of Deepak Kumar who is an agent in Tehsil, but his license was not got renewed and he demanded his money back from him. Complainant had expressed suspicion upon two persons, namely, Deepak Kumar and Amit Verma for the alleged occurrence.

After investigation, Deepak Kumar and Amit Verma were found not involved, however, five persons, namely, Nagesh Gupta, Harkrishan, Sandeep Kumar, Harpreet Singh and Samuel were indicted. The petitioner was declared a proclaimed offender on 08.01.2014.

Learned counsel for the petitioner contends that petitioner was not aware about the case and his indictment by Police. Learned counsel has relied upon zimni orders to contend that petitioner was not effectively served in the case. However, when the petitioner was arrested in some other case, petitioner was further taken into custody in this case on 11.01.2018.

It is further pointed out by the learned counsel for the petitioner that after his arrest on 11.01.2018, there is no progress in the trial.

Further learned counsel for the petitioner contends that as per

the version of the complainant, there were only four assailants who had come to the shop and snatched away the briefcase from the complainant after firing at his employee. It is further pointed out that the trial of co-accused has already ended into conviction on different dates ending on 19.12.2017. It is argued that nothing has been recovered from him and his indictment is on the basis of the statement given by convict-Nagesh Gupta which may not be admissible in evidence.

On the other hand, learned State counsel assisted by ASI Ram Rattan has opposed the petition on the ground that the offence is of serious nature, however, it is not disputed by him that ever since the custody of the petitioner commenced, there is no progress in the trial as no witness has been examined out of total 18 witnesses. He has further argued that those who have been convicted already stand identified by complainant in the Court.

At this stage, learned counsel for the petitioner contends that since there were only four persons who had come to the shop at the time of alleged commission of the offence and all of them have been identified by the complainant. The case of the prosecution against the petitioner appears to be weak as he was not present on the spot and no recovery has been effected from him.

Considering the above background, custody of the petitioner as well as the stage of the trial as the prosecution to examine the witnesses and the same would consume considerable time, further detention of the petitioner may not be justified. Therefore, without meaning any expression

of opinion on the merits of the case, it is ordered that petitioner be released on regular bail subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court concerned.

The petition stands allowed.

25.01.2019

vanita

(MANOJ BAJAJ)
JUDGE

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