

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

216

**CRM-M-25054-2020
Date of decision: 18.09.2020**

Bhoor Singh Yogi and anotherPetitioners

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Parveen Sharma, Advocate
for the petitioners.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

Petitioners-Bhoor Singh Yogi and Ravinder have filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.288 dated 06.07.2020 registered at Police Station Gannaur, District Sonipat under Sections 380, 454 and 511 of the Indian Penal Code, 1860 (for short, "IPC") to which Section 420 of the IPC was added lateron.

The above said FIR was registered on written complaint submitted by Branch Manager, Indian Bank, Gannaur. In the complaint, it was alleged that on 05.07.2020 at about 04:30 P.M. two persons entered into their Branch ATM booth and tried to open ATM Monitor Section with force. When their attempts became successful, the branch alarm got activated on which both the persons ran away from the ATM booth. Pursuant to registration of FIR, the police

investigated the case, effected the recoveries and on completion of investigation charge-sheeted the petitioners.

The petitioners, who are in custody since the date of their arrest, have filed the present petition for grant of regular bail.

The petition has been opposed by learned State counsel in terms of status report filed by way of affidavit of Joginder Rathee, HPS, Deputy Superintendent of Police, Gannaur, Sonipat in the registry which is taken on record.

I have heard learned counsel for the petitioners and learned State counsel and gone through the relevant record.

Learned counsel for the petitioners has argued that the petitioners have been falsely implicated in the case on false and frivolous allegations. The petitioners were not named in the FIR. The petitioners were not present at the alleged place of occurrence and had not committed any offence. Disclosure statements were got forcibly signed from the petitioners. Recoveries have been planted on them. No independent witness was joined at the time of alleged recovery. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioners in custody during trial. Therefore, the petitioners may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioners conspired and participated in commission of the crime. In view of the gravity of accusation, the petitioners do not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioners, the overt-acts

attributed to them and the fact that the trial is likely to take long time but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioners.

In view of the above, the petition is allowed and **Petitioners-Bhoor Singh Yogi and Ravinder** are ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioners are granted regular bail subject to the condition that they shall not commit any similar offence after their release on bail and in case of commission of any similar offence by them in future their bail in the present case shall also be liable to be cancelled on application to be filed by the prosecution in this regard.

18.09.2020

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No