

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

CRM-M-27967-2020 (O&M)
Date of Decision : 17.11.2020

Jagsir Singh Brar @ Seera SinghPetitioner

Versus

State of HaryanaRespondent

CORAM : Hon'ble Mr. Justice Gurvinder Singh Gill

Present : Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Karan Sharma, A.A.G., Haryana.

(proceedings conducted through video conferencing)

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Gurvinder Singh Gill, J.

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.142 dated 3.5.2020 under Sections 392/34 IPC (Section 120-B/395/397 IPC added lateron) at Police Station Dabwali, District Sirsa.
2. The FIR was registered at the instance of Alok Kumar wherein it has been stated that the complainant Alok Kumar runs SBI “*Grahak Sewa Kendra*” (Customer Care Centre) and Rakesh Kumar also works with him. The said “*Grahak Sewa Kendra*”(Customer Care Centre) is being run in a rented premises. It is alleged that on 3.5.2020, when he was present in his Customer Care Centre and was having cash of ₹ 2,16,000/-, then two persons came there and asked him to withdraw an amount of ₹3000. The

said boys, upon enquiry, disclosed that they had come from Fatehabad. One of them said that they do not have Aadhar card. The complainant said that even if they have Aadhar card number, the same would be sufficient and upon which one of them went outside and returned back carrying a sharp “*Aari*” (hand saw) alongwith another boy who was carrying a “*Kappa*”. They lowered the shutter of the shop and demanded to hand over cash to them. The said accused are, thus, alleged to have decamped with an amount of ₹1,32,110/-. It is alleged that though in the meantime complainant’s uncle’s son namely Rahul had also come there but he was pushed by the accused while they were leaving.

3. The learned counsel for the petitioner has submitted that there is nothing on record to show the involvement of the petitioner who has a clean record and that he has been involved mainly on account of political rivalry in the village. It has been submitted that the petitioner has been nominated as an accused on the basis of some disclosure statement allegedly made by co-accused which can hardly be said to have any evidentiary value.
4. Opposing the petition, the learned State counsel has submitted that in the instant case while the occurrence had taken place on 3.5.2020, the co-accused Pawan Kumar, Vinod Kumar and Sansar @ Joli were arrested by the police on 11.5.2020 and that during the course of interrogation, co-accused Sansar disclosed about the involvement of the petitioner while stating that all the co-accused were addicted to drugs and had jointly planned to rob the SBI ‘*Grahak Sewa Kendra*’ and that on 3.5.2020, the petitioner had conducted a ‘recce’ of the area and had informed that during noon time there are very few visitors at SBI ‘*Grahak Sewa Kendra*’ and that there would be sufficient cash to be robbed and that it was pursuant to

the said information furnished by petitioner that the co-accused entered into SBI customer care centre and robbed the same and decamped with an amount of ₹ 1,32,110/-. The learned State counsel has further submitted that the accused were also identified by eye witness Rakesh Kumar. The learned State counsel has, however, informed that challan stands presented and that the petitioner has been behind bars since the last about 6 months. It has further been informed that the petitioner is not involved in any other case.

5. I have considered rival submissions addressed before this Court. The instant case is a case where the petitioner has been nominated as an accused on the basis of disclosure statement allegedly made by co-accused, the admissibility and veracity of which would be debatable. Though, Rakesh Kumar is stated to be an eye witness who had identified the accused but in the absence of any names in the FIR, any subsequent identification would be a matter to be established on the basis of corroborative evidence. The investigation, in any case is complete. Keeping in mind that the petitioner has been behind bars since the last about 6 months and is not a previous convict and that conclusion of trial is likely to take substantial time especially during the present times of spread of pandemic, further detention of petitioner will not serve any useful purpose.
6. The petition, as such, is accepted and the petitioner 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. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

17.11.2020
(*kamal*)

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**