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

**CRM-M No.29843 of 2020 (O&M)
Date of Decision: 01.10.2020**

SUNIL

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Ms. Shalini Atri, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner seeks grant of regular bail in second attempt under Section 439 Cr.P.C in case bearing FIR No.279 dated 06.10.2018, registered under Sections 379-B, 420, 323, 506, 511 and 34 IPC at Police Station Sadar Tohana, District Fatehabad.

FIR was registered at the instance of Mandeep Singh with the allegations that on 06.10.2018 at 11.05 A.M., he had withdrawn an amount of Rs.1,000/- from ATM of Union Bank of

India. Three unknown persons entered in the ATM and forcibly snatched the ATM card from the complainant. The complainant was saved by one Jagjeet Singh. His money was also saved from being snatched by those three persons. The allegations are that ATM card was changed.

The petitioner was nominated on the basis of disclosure statement of Kuldeep Singh. Petitioner was declared as a proclaimed offender and a separate FIR under Section 174-A IPC was registered. Co-accused Kuldeep Singh was tried and convicted for ten years along with fine of Rs.25,000/- under Section 379-B IPC and three years with fine of Rs.10,000/- under Section 420 IPC. The sentence of the co-accused has been suspended in an appeal against the conviction.

Learned counsel for the petitioner submitted that the petitioner is in custody since 02.02.2020. No amount was snatched from the complainant, nor his ATM card was used in any manner.

Learned counsel further submitted that during investigation offences under Section 379-B read with Section 511 IPC were added and offence under Section 379-A IPC was deleted. Petitioner is in custody for the last 8 months. Supplementary challan has already been submitted.

Learned State counsel on instructions from ASI Kapil

Dev submitted that no amount was snatched from the complainant and the ATM Card was also not misused by the petitioner. Petitioner was nominated on the basis of disclosure statement of co-accused Kuldeep Singh, who has been convicted and sentenced. His remaining sentence has been suspended in an appeal filed against conviction.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

October 01, 2020

Atik

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No