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

1. CRM-M No.34744 of 2020
Date of Decision: 10.12.2020

SHIV KUMAR ALIAS SHIV

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

2. CRM-M No.37471 of 2020
Date of Decision: 10.12.2020

KARAN KUMAR

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

Present:Mr. Krishan Singh Dadwal, Advocate
for the petitioner in CRM-M No.34744 of 2020.

Mr. Vikas Gupta, Advocate
for the petitioner in CRM-M No.37471 of 2020.

Mr. Manreet Singh Nagra, Asstt. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Both the cases have been taken up for hearing through
video conferencing.

Vide this common order, CRM-M No.34744 of 2020 and

CRM-M No.37471 of 2020 are being decided. Since both the cases have arisen out of one FIR, therefore, facts are being noticed from CRM-M No.34744 of 2020.

Both the petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.132 dated 05.11.2019, registered under Section 379-B IPC (offence under Section 411 IPC added later on) at Police Station Mukerian, District Hoshiarpur.

The allegations are that on 03.11.2019, the complainant Balwinder Singh went to Delhi for purchasing some articles. Since there was less profit in the articles, therefore, he returned back without purchase. He was travelling in a train from Delhi to Mukerian. He had to take orders for some cosmetic items, therefore, he took route via Gurdaspur. At about 5.00 A.M., he alighted from the train at Railway Station, Mukerian and was going on foot from Mukerian Railway Station to Mukerian market. When he reached near Jama Agency railway road, then two youths with definite physique and nomenclature came towards him and made him to fall and threw him in the bushes and snatched away his bag containing Rs.5 lakhs, mobile phone having sim card, one bed-sheet, T-shirt and some cosmetic articles. The complainant kept on searching the accused of his own and ultimately lodged the FIR on

05.11.2019.

Learned counsel for the petitioner(s) submitted that after lodging of this FIR on 05.11.2019, the complainant made a supplementary challan on 12.11.2019 on the basis of CCTV, identifying the two original youths as Karan and Shiv Kumar. Both were already known to him. He also named Vishal Sharma on the ground that all the three were known to Ajay Kumar @ Baiya, who is his business partner. Further allegations are that Ajay Kumar @ Baiya also went along with him for purchasing material from Delhi. He was in the knowledge of everything. He mixed up some intoxicant in his tea and took away thousand rupees on 05.11.2019 after boarding the train in continuation of conspiracy between Ajay Kumar @ Baiya, Vishal Sharma and their companions namely Karan and Shiv Kumar.

By referring to the aforesaid, learned counsel further submitted that if Karan Kumar and Shiv Kumar were already known to the complainant, then there was no occasion for the complainant not to disclose their names in the FIR itself. The complainant waited for recording of his supplementary statement on 12.11.2019 and on the basis of alleged CCTV recording and thereafter he allegedly identified the petitioners- Shiv Kumar @ Shiv and Karan Kumar. The story of connivance has been coined in which the date of boarding the train has

been shown to be 05.11.2019.

Learned counsel further submitted that the complainant has introduced falsehood after seeing the CCTV coverage. Co-accused Vishal Sharma has already been granted interim anticipatory bail vide order dated 27.02.2020 passed in CRM-M No.8504 of 2020. Petitioner-Shiv Kumar @ Shiv is in custody since 06.12.2019.

In case of petitioner-Karan Kumar, he has applied for regular bail in his second attempt. Earlier petition was got as dismissed as withdrawn on 30.07.2020. He is in custody since 02.12.2019.

Per contra, learned State counsel opposed the bail on the ground that the petitioners are involved in heinous offence and they have been identified by the complainant on the basis of CCTV coverage. An amount of Rs.4,80,000/- has been recovered from both the accused persons.

Looking to the aforesaid facts, keeping in view the custody period of the accused and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioners on regular bail.

In view of above, both the petitions are allowed. Petitioners are ordered to be released on bail, subject to their

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.

December 10, 2020	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No