

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-37657-2020 (O&M)
Date of Decision:- 22.12.2020

Pawan @ Sonu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kanwaljeet Singh Brar, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of 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 Sadar 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. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and has been nominated as an accused on the basis of a disclosure statement allegedly made by co-accused Sansar Singh, the admissibility of which would be debatable.
4. Opposing the petition, learned State counsel has submitted that since the petitioner apart from having been nominated by co-accused Sansar Singh, has also been identified by eye-witness namely Rakesh Kumar, his complicity is clearly evident and as such he does not deserve the concession of bail. Learned State counsel has, however,

informed that the petitioner as on date has been behind bars since the last about 7 months and that challan already stands presented.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that challan already stands presented and the petitioner has been behind bars since the last about 7 months and has been nominated on the basis of a disclosure statement, the veracity and admissibility of which would be debatable and also in view of the fact that two of his co-accused have already been granted bail, the petition is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

December 22, 2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No