IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-3043-2021 (O&M)
Date of Decision:16.03.2021

Sunil @ Sillu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

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

Mr. Saurabh Mohunta, DAG, Haryana.

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TEJINDER SINGH DHINDSA J.(Oral)

CRM-4236 of 2021

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Application is allowed as prayed for. The accompanying documents at Annexures P-7 to P-15 are taken on record.

Application disposed of.

Main case

This is the third petition preferred by the petitioner under Section 439 Cr.P.C. seeking regular bail pending trial in FIR No.229, dated 27.08.2018 under Sections 201, 341, 342, 394, 397, 452, 120-B of IPC and Sections 25/29-54-59 of Arms Act, registered at Police Station Julana, District Jind.

Counsel for the parties have been heard.

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Briefly it may be noticed that FIR came to be registered on the statement of Vijay Yadav who was serving on the post of clerk in the main branch of the Punjab National Bank, District Jind.

Occurrence is stated to be of 27.08.2018. As per prosecution version, at about 12 noon, three young boys wearing helmet and holding fire arms entered the main gate of the Bank and committed a robbery of a sum of Rs.82,405/-.

During the course of arguments it has gone uncontroverted that name of the petitioner does not figure in the FIR.

Petitioner was arrested in a different case and it is on his own confessional statement that he has been implicated in the present case. Petitioner has been shown in custody in the present case since 05.12.2018.

In the trial, 31 prosecution witnesses have been cited and out of which 06 have been examined till date.

Trial as such would take time to conclude.

Pursuant to a previous order passed by this court, Mr. Saurabh Mohunta, learned DAG, Haryana, upon instructions from ASI Bhagwat Dayal, informs the Court that the recovered currency notes from the petitioner herein have not matched with the currency notes that were stated to have been looted from the Bank and the record of which was kept by the Bank.

Instant bail petition has been vehemently opposed by learned State counsel by submitting that petitioner does not possess clear antecedents and is involved in two other FIRs i.e FIR No.288, dated 21.09.2018 Under Sections 392, 395, 397, 120-B of IPC and Sections 25, 54, 59 of the Arms

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Act, registered at Police Station Narnaund and FIR No.295 dated 28.09.2018 under Sections 398 and 401 of IPC and Sections 25, 54, 59 of the Arms Act , registered at the same very police station.

Such objection has been met by learned counsel representing the petitioner by adverting to the orders placed on record at Annexures P-13 and P-14 whereby petitioner has been granted benefit of bail in both the afore-noted FIRs.

In view of the facts and circumstances noticed hereinabove and coupled with the length of incarceration already suffered and without making any observations on merit, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

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

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