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

**CRM-M No.6294 of 2021
Date of Decision: 17.02.2021**

SHAKTIMAN ALIAS SHAKTI

.....Petitioner

**Vs
STATE OF HARYANA**

.....Respondent

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

Present: Mr. Rajesh Nain, 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 under Section 439 Cr.P.C in case bearing FIR No.07 dated 04.01.2020 registered under Sections 332, 353, 395, 427, 511 IPC (Section 511 was deleted and Section 397 IPC and Sections 25/54/59 of the Arms Act were added later on) at Police Station Bhuna, District

Fatehabad.

The allegations are that the petitioner along with co-accused namely Sushil Kumar, Sunil Bishnoi, Sagar, Amit, Sukhbir @ Kida, Sonu etc. were involved in taking out the amount dishonestly by cutting the shutter of ATM of SBI installed in village Jandli Kalana with the help of gas cylinder and gas cutter. Petitioner succeeded in fleeing from the spot after throwing the iron rod. He was arrested only on 15.02.2020. Innova car was recovered from the co-accused Sushil Kumar.

As per statement of Des Raj, Bank Manager of SBI Jandli Kalan recorded under Section 161 Cr.P.C, amount to the tune of Rs.9 lakhs was stored in the ATM, but an amount of Rs.3000/- was found less. The loss to the tune of Rs.3000/- was not identifiable with reference to any specific mark of identification to show the same to be the tainted amount.

As per stand taken by way of affidavit of Ajaib Singh, HPS, Deputy Superintendent of Police, Fatehabad in connected case bearing CRM-M No.19938 of 2020 titled **Sushil Kumar Vs. State of Haryana**, the looted money of Rs.3000/- has not been effected from any of the accused. Para No.4 of the affidavit submitted in the said connected case reads as under:-

“4. That it is further respectfully submitted that in the present case, total 9 accused namely 1. Amit Kumar, 2. Sushil

Kumar (present petitioner), 3. Raj Kumar alias Sorabh, 4. Sonu alias Bachchi, 5. Sunil Kumar, 6. Sagar, 7. Ajay alias Kishori, 8. Saktiman alias Shakti and 9. Kuldeep alias Sukhbir Singh have been arrested. However, any recovery of lotted amount of Rs.3,000/- has not been effected from any accused.”

Co-accused Sushil Kumar has been granted bail in the aforesaid case on 19.11.2020.

Petitioner is in custody since 15.02.2020. No prosecution witness has been examined so far.

Learned State counsel on instructions from the Investigating Officer submitted that the petitioner is also involved in one more case under Section 399/402 IPC and Section 25 of the Arms Act.

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

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.

February 17, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No