

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-11347-2021
Date of Decision: 16th November, 2021**

Naresh @ Nikka

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Vishwajeet, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana
for the respondent-State.

AVNEESH JHINGAN , J.(Oral)

1. Due to COVID-19 situation, the Court is convened through video conference.

2. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 155 dated 06.06.2020, under Sections 395, 397, 427 IPC 1860, Section 25-54-59 of Arms Act, 1959 and Section 120-B, 201 IPC, 1860 was added later, registered at Police Station Sadar Kaithal, District Kaithal.

3. The FIR was registered at the instance of Surjit Singh. As per the allegations, on the intervening night of 5th/ 6th June, 2020 at about 1:30 AM five young boys alighted from one white color car and reached the ATM of HDFC Bank. They were armed with pistol, iron rod and *Saria*. The person armed with pistol took the complainant to the adjacent shop and snatched the keys of the bank and mobile of the complainant at gun

point. Complainant was tied on the chair with rope. Four persons entered

the bank and ATM. After some time police vehicle with siren reached the bank and the accused fled away.

4. Learned counsel for the petitioner submits that petitioner was not named in the FIR and not identified by the complainant. Nothing was recovered from the petitioner. Petitioner is in custody since 20th November, 2020. It is argued that it is a case of false implication due to involvement in other FIRs. He further relied upon the fact that other co-accused were granted bail.

5. Learned State counsel opposes the prayer for grant of regular bail. She submits that petitioner is involved in other FIRs.

6. Mere involvement of the petitioner in other cases in itself would not be a ground to deprive his personal liberty. Considering the facts that the investigation is complete, no recovery was made from the petitioner and conclusion of the trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

16th November, 2021

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No