

211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.11858 of 2021
Date of Decision:28.04.2021

AMIT KUMAR

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana .

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail in case bearing FIR No.0007 dated 04.01.2020, registered under Sections 332, 353, 395, 427, 511 IPC (Section 397 IPC and Sections 25/54/511 of the Arms Act added subsequently) at Police Station Bhuna, District Fatehabad.

Occurrence took place on the intervening night of 03.01.2020/04.01.2020. The allegations are that the petitioner along with others had taken out an amount of Rs.3,000/- dishonestly by cutting the shutter of ATM of SBI installed in village Jandli Kalana with the help of gas cylinder and gas

cutter. Petitioner was arrested on 17.02.2020. Petitioner is not the owner of Innova car.

During investigation statement of Des Raj, Bank Manager of SBI Jandli Kalana was recorded under Section 161 Cr.P.C in which factum of an amount to the tune of Rs.9 lacs having been stored in the ATM came to fore, but according to the said statement only an amount of Rs.3,000/- was found less in the ATM and the said amount was not identifiable with reference to any specific mark to make it the tainted amount.

In view of status report filed in case of co-accused by way of affidavit of Ajaib Singh, HPS, Deputy Superintendent of Police, Fatehabad it has come on record that the alleged looted money to the tune of Rs.3,000/- has not been effected from any accused.

Para No.4 of said status report 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.”

Petitioner is in custody since 17.02.2020. Prosecution evidence has not started as yet. Only challan has been presented but charges have not been framed. Co-accused namely Sushil Kumar, Kuldeep Singh, Shaktiman alias Shakti and Sunil kumar have already been granted concession of regular bail by this Court in different petitions.

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

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.

28.04.2021

Amandeep

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No