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

(Through video conferencing)

**CRM-M No.14904 of 2021
Date of Decision: 08.10.2021**

VICKY KUMAR

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Tarun Seth, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.237 dated 19.09.2020, registered under Sections 379-B, 34 IPC (Section 411 IPC added later on) at Police Station Division No.6, District Police Commissionerate Ludhiana, Punjab.

FIR was lodged at the instance of Vishal Jain with the allegations that he was running a business of accurate wire & steel industry, plot no.12626, Gali No.0, Vishkarma Chowk, Ludhiana. On 14.09.2020 at about 4.00 P.M., he was present

near post office Industrial Estate, Millerganj and was holding one white colour polythene bag containing Rs.78,000/- in cash and one samsung mobile Make J-7 Pro of black colour. Worker of the complainant Vicky Kumar (petitioner) had brought a payment of Rs.4,79,000/- from Naresh Wire, Gill Road, Ludhiana and handed over the same to the complainant in a polythene. The complainant put the same in his cash bag. When he was holding the cash bag in his hand, his brother Vikas Jain also came there. In the meanwhile, two unknown persons came on motorcycle. The pillion rider snatched the bag containing the money by showing some article like a pistol. Both the persons ran away from the spot on the motorcycle. The complainant could recognize them in case of their production before him. The complainant noted the motorcycle number PB-10-EB-3412.

After lodging of FIR, the complainant made supplementary statement on 20.09.2019 that he heard the petitioner talking with one Shiva Khullar @ Shammi over a phone that the money which was snatched be distributed. Now nobody had any suspicion. On the basis of aforesaid conversation, the petitioner was nominated as an accused in the present case.

Learned counsel for the petitioner submits that the police had arrested co-accused Shiva Khullar @ Shammi, Kapil

Kumar Makkar @ Kapil and Raju Soni along with the petitioner. Recovery of Rs.2,40,000/- was effected from the petitioner. An amount of Rs.2,10,000/- was recovered from Shiva Khullar. An amount of Rs.20,000/- along with toy pistol was recovered from Kapil Kumar. An amount of Rs.10,000/- with cheque of complainant was recovered from Raju Soni. Motorcycle was recovered from Kapil Kumar and Raju Soni.

Co-accused Shiva Khullar @ Shammi and Kapil Kumar Makkar @ Kapil have been granted regular bail by the High Court vide orders dated 15.02.2021 and 12.03.2021 passed in CRM-M No.5949 of 2021 and CRM-M No.10500 of 2021 respectively.

Learned counsel for the petitioner seeks parity with the aforesaid accused, who have been granted regular bail by the High Court. The recoveries have already been effected and no PW has been examined so far. Petitioner is in custody since 21.09.2020.

On the other hand, learned State counsel submits that the charges have been framed, but no prosecution witness has been examined so far. Learned counsel opposed the bail on the ground that the petitioner is involved in heinous offence.

Taking into consideration the orders granting regular

bail to the co-accused namely Shiva Khullar @ Shammi and Kapil Kumar Makkar @ Kapil, I deem it appropriate to enlarge the petitioner on regular bail on parity with those co-accused, without adverting to anything on 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 opinion on merits of the case.

October 08, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No