

**205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-18937-2020****Date of decision-07.12.2021****Jagat Narayan****...Petitioner****Vs.****State of Punjab****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Kanwar Pahul Singh, Advocate for the petitioner.
Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

*********MANOJ BAJAJ, J. (Oral)**

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.183 dated 21.11.2019 under Sections 380, 457 and 427 Indian Penal Code, 1860 registered at Police Station Maqboolpura, Amritsar. The petitioner apprehended his arrest at the hands of Police.

The allegations contained in the FIR read as under:-

“Statement of Pankesh Kumar S/o Satish Kumar R/o 2016 Gali Burj, Guru Bazar, Amritsar aged 31 years M.No.8288006245. Stated that I am resident of above address and doing job of supervisor in FIS Company. FIS company is affixing ATM and from assistant company SIS, the company is filing up the cash in the ATM. All ATM's of state bank of India and Bank of India, in between Amritsar to Beas, come under my charge. At about 8 AM, Suresh Kumar SBI General Manager called me and said lock of the ATM affixed at Bus stand Daburji near Shubham Enclave, has broken and asked me to go at the spot. I alongwith Amarjit Singh who is also doing job in FIS came at bus stand Daburji and saw the lock of the ATM was cut by cutter. I lift the shutter of the ATM and saw that the ATM machine was also cut by cutter and cash was stolen. ATM machine was fired. We alongwith Suresh Kumar were going towards the police station but you met us. The unknown persons have barged into the ATM and stolen cash the details of which

I will give you from bank. Action be taken against them.”

After hearing learned counsel for the parties, on 16.07.2020, the following order was passed:-

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

Petitioner seeks concession of pre-arrest bail in case FIR No.183 dated 21.11.2019 under Sections 380, 457, and 427 IPC registered at Police Station Maqboolpura, District Amritsar.

FIR came to be registered on the statement of Pankesh Kumar who is stated to be doing the job on the post of Supervisor in a company, engaged in fitting ATMs of State Bank of India and Bank of India. As per complainant's version he had received a call from General Manager, SBI, stating that lock of a particular ATM fixed at bus-stand, Daburji, has been broken. When the complainant alongwith one Amarjit Singh went on the spot he found that the lock of the ATM had been cut with the aid of a cutter and ATM machine had been broken into and cash had been stolen. Counsel submits that FIR had been registered on the basis that some unknown persons had broken into the ATM and had stolen the cash.

During the course of investigation, one Harpreet Singh was arrested and from him certain material like gas cutter etc. had been recovered. The present petitioner is sought to be implicated only on the strength of a disclosure statement of a co-accused.

Further submitted that the present petitioner has clean antecedents and is not involved in any other FIR.

Notice of motion returnable for 08.09.2020.

In the meanwhile, petitioners are directed to join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.

To be heard alongwith CRM-M-18877 of 2020.”

It was stated by the learned State counsel, who is assisted by ASI Daljeet Singh that the petitioner has concealed his antecedents and wrongly portrayed before this Court that except for the present

case, he is not involved in any other case.

Learned State counsel has invited the attention of the Court to affidavit of Jaspreet Singh, PPS, Assistant Commissioner of Police, East Amritsar City filed on behalf of respondent-State, wherein it has been highlighted that the petitioner is already involved in 12 similar cases and is convicted in two of them.

Learned counsel for the petitioner is unable to refute the above stand of learned State counsel and is also unable to justify the reason for not mentioning this important fact in the bail application.

It is the case of the prosecution that the alleged offences were committed at an ATM of the Bank and the accused persons had destroyed the CCTV camera installed at the said place. Upon arrest of the co-accused-Harpreet Singh @ Hero, the involvement of the petitioner was disclosed and this gave rise to the apprehension of arrest of the petitioner.

Considering the nature of offence and its gravity, but without expressing any opinion on the merits of the case, this Court is of the opinion that it is not a fit case for extending the concession of pre-arrest bail to the petitioner.

Dismissed.

(MANOJ BAJAJ)
JUDGE

07.12.2021

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No