

**206-2 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-38487-2021
Date of Decision: 17th November, 2021**

Kulwinder Singh @ Kinda

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Kamal Narula, Advocate for the petitioner.

Mr. Amit Mehta, Sr.DAG, Punjab
for the respondent-State.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 33, dated 11.02.2021, under Sections 394, 452 of Indian Penal Code, 1860 and Section 25, 27 of Arms Act, 1959, registered at Police Station City Kapurthala, District Kapurthala.

2. The FIR was registered at the instance of Nirmal Singh, Assistant Branch Manager of Fusion Micro Finance Pvt. Ltd.(for short 'the company'). As per the allegations, on 11th February, 2021, five unknown persons came to the office with covered faces and two out of them pulled out their revolvers asked complainant and other employees to hand over their mobile, they took away cash amounting to Rs.3,82,084/-. The mobile phones numbers (mentioned in the FIR), Aadhar card, PAN card, licence, two ATM cards of Shivam and a laptop were taken away. On 8th March, 2021, complainant made a supplementary statement naming Dilbagh Singh @ Ravi, Karandeep Singh, Kulwinder Singh @ Kinda(Petitioner), Jitender Singh and Satnam Singh for being involved in the incident. Petitioner was arrested on 9th March, 2021 and recovery of

3. Learned counsel for the petitioner submits that petitioner was not the employee of the company. He was not named in the FIR and his physical description/appearance does not match with the description given in the FIR. There is nothing on record to connect the amount recovered with the alleged amount taken away in the incident. Investigation is complete, no recovery is to be made.

4. Learned State counsel opposes the prayer for grant of regular bail. He submits that petitioner informed the other co-accused about the amount lying in the company and is involved in two other cases.

5. Mere involvement of petitioner in other case would not be in itself a ground to deprive the petitioner of his personal liberty. Without commenting upon the merits of the case, considering that the petitioner was named in a supplementary statement and the recovery is of cash totaling to Rs.10,000/-, investigation is complete and conclusion of the trial is likely to take time, he is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7. 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

17th November, 2021
Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No