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

CRM-M No. 39865 of 2020
Date of Decision: 15.09.2021

Rambir

-Petitioner

Versus

The State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Harpreet S. Rakhra, Advocate,
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.191 dated 07.11.2019 registered under Sections 302, 394, 397, 120-B IPC (FIR was lodged only under Section 379-B IPC against unknown persons, but after filing of challan, Section 379-B was deleted and above sections were added later on) at Police Station Rajaund, District Karnal.

As per prosecution story set up against the petitioner, he being an employee in the Bank did reki and provided clue to the main accused that Sumer Chand had withdrawn some money from the Bank.

In pursuance of that reki, accused namely Virender

Singh @ Vishal and Gaurav chased him on a motorcycle and ultimately snatched a bag allegedly containing amount after giving danda blow to him. Sumer Chand ultimately died. In the second disclosure statement of accused Virender Singh @ Vishal, he has admitted that there was total amount of Rs.1,60,000/- in the bag snatched. Out of the total amount, Rs.60,000/- came to his share. As per disclosure statement of accused Gaurav, out of total amount of Rs.1,60,000/-, Rs.1 lac came to his share. The accused got the danda recovered which was used in the commission of offence.

In the third disclosure statement recorded on 19.01.2020, both the accused retracted their earlier stand and have disclosed that on 06.11.2019, accused Gaurav told Virender Singh @ Vishal that he had hatched a conspiracy with the accused and as part of which, petitioner was to provide the information regarding the bank customer carrying money from the bank and in lieu of that, he was to be given some share in the proceeds of the crime. Co-accused Virender Singh @ Vishal also became part of the conspiracy and the petitioner was telephonically informed.

Allegation against the petitioner is that he did the recki in respect of Sumer Chand having withdrawn money from the Bank and coming out of the Bank in order to board a bus to

village Rajaund. Infact the victim boarded the bus which was chased by Virender Singh @ Vishal and Gaurav on their motorcycle. In Village Rajaund, bag was snatched and a danda blow was given to the deceased. Disclosure statements of the accused are at variance. If no amount was snatched from the victim, then there is no question of doing reki by the petitioner vis-a-vis the amount withdrawn by Sumer Chand from the Bank.

Petitioner is in custody since 19.01.2020.

Learned State counsel, however, opposed the bail on the ground that in the first disclosure statement of accused Virender Singh @ Vishal and Gaurav, there was no money snatched by them. In the second disclosure statement, first disclosure statement was diluted and it was stated that an amount of Rs.1,60,000/- was snatched from Sumer Chand. However, in third disclosure statement, there was u-turn taken by the accused to the contrary.

In view of variance in the disclosure statements of the main accused, complicity of the petitioner based on criminal conspiracy would remain debatable.

Owing to the situation arising out of pandemic COVID-19 and without meaning anything on 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 regular 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.

September 15, 2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No