

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

Criminal Misc. No.M-40622 of 2020(O&M)

Date of Decision: January 27, 2021

Sanjiv Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

--

Present: - Mr.Rakesh Dhiman, Advocate for the petitioner.

Mr.Dhruv Sheoran, DAG, Haryana.

-

HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of bail in case FIR No.577 dated 11.09.2019 under Sections 380/34 IPC, Police Station Palam Vihar, District Gurgaon.

The FIR was registered against unknown persons on the complaint of one Amit Tanwar who stated that he looked after the legal cases of Hitachi Payment Service Pvt Ltd which had its head office at Chennai. The company performs various maintenance and financial operations related to ATMs of many banks and operates all over India. He stated that the previous day at around 11.00 AM he came to know by email that ATM machine bearing ID- APCN70712, Shop No.6, Sudan Singh, Hans Park Market, Carterpuri Gurgaon AXISBANK was cluttered. He was asked to reach there immediately. When he reached there he saw that the lock of the machine was broken and the camera wires were cut and there was a lot

of tampering with the machine. It was later ascertained that cash amount of Rs.38,86,200/- was stolen. It was reported that some unknown person had stolen the money and action be taken.

Ld. Counsel for the petitioner has argued that neither the petitioner has been named in the FIR nor any specific role attributed to him. It is stated that the petitioner and his brother were illegally picked up by the Delhi Police on 01.10.2019. He was shown to have been arrested on 06.10.2019. He was falsely implicated in this case. His mother had made a call on the police No.100 regarding his being illegally detained. This has been confirmed by information received under the RTI (Annexure P-3). He states that the petitioner has no concern with the alleged loot. He has a shop in Delhi in the name of SRK Electronics (Sanjeev Rahul Kumar Electronics and is earning his livelihood from there.

Reply has been filed by Assistant Commissioner of Police, Udyog Vihar, Gurgaon stating that during the course of investigation, the CCTV cameras installed at the ATM machine were checked. One Vikram who was lodged in custody in another case applied for grant of anticipatory bail before the Ld. Lower Court. The Court passed the orders to join Vikram in the investigation at Bhondsi Jail. During interrogation, Vikram named accused Raghunath as the mastermind of the offence. He also disclosed the name of accused Anil. On checking the CCTV footage accused Raghunath and Anil were visible in the same. During interrogation Raghunath and Anil named Sanjiv Kumar (petitioner) and one Jainender as their accomplices in looting the ATM. They further disclosed that the petitioner was standing outside the ATM booth in a car and hence he could

not been seen in the CCTV footage. It is further stated in the reply that recovery could not be effected and the place of occurrence could not be demarcated as the police remand of the accused was declined by the concerned Judicial Magistrate twice. The revision filed against the same was also dismissed by the Ld. Additional Sessions Judge, Gurugram vide order dated 05.10.2020.

Ld. Counsel for the State states that the petitioner is involved in six other cases. But Ld. Counsel for the petitioner states that he is on bail in all of them.

Investigation in the case is complete. Challan has been filed. Charges have been framed on 12.11.2020. The petitioner is in custody since 06.10.2019. The only material against the petitioner is the disclosure statement of the co-accused.

The trial may take a long time particularly in view of the Covid-19 Pandemic. No useful purpose would be served by keeping him in custody.

In view of the above, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

January 27, 2021
gian

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No