

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

**CRM-M-7959 of 2022**

**Date of Decision:14.07.2022**

**Sunil Singh @ Sunil**

**---Petitioner**

**versus**

**State of Punjab**

**---Respondent**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. N.S.Dandiwal, Advocate  
for the petitioner  
Mr. C.L.Pawar, Sr. DAG, Punjab

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**RAJ MOHAN SINGH, J. (Oral)**

Petitioner seeks grant of regular bail in his 11nd attempt under Section 439 Cr.P.C. in case bearing FIR No. 83 dated 11.05.2019 registered under Sections 395, 427, 342 IPC and Section 25 of the Arms Act at Police Station City Sidhwan Bet, District Ludhiana.

As per the prosecution case, the complainant Harmandeep Singh was posted as a security guard in the ATM of ICICI Bank, Branch Kishanpura Chowk, Sidhwan Bet. The complainant was on duty on 11.05.2019 from 10.00 P.M. to 6.00 A.M. In the night of 10.05.2019, at about 10.00 P.M., complainant was on duty. At about 2.30/3.00 A.M., three persons entered into the ATM room with muffled faces. Out of them, two persons were armed with pistols and one person was

armed with iron rod. One of them put pistol on the complainant and pushed him out of the ATM room. Four persons were standing outside the ATM room. Two of them were armed with pistols. One was armed with baseball bat and one was armed with iron rod. They were also with muffled faces. They tried to put cloth in the mouth of the complainant which was resisted by the complainant. During that process, their faces got uncovered and the complainant could identify them. Thereafter, the complainant was made to sit aside. Two of them were talking in Hindi language whereas one of them was speaking in the language prevalent in the area of Amritsar. Thereafter the complainant heard noise of breaking ATM machine. The complainant started feeling stiffness and requested the accused persons to put out cloth from his mouth. After half an hour, one person came there with a tractor. The complainant could identify them. Thereafter all the persons loaded the ATM machine in the tractor and ran away on their motorcycle and tractor. The persons armed with pistols, dropped the complainant near cremation ground. Thereafter the complainant called his friend. With this background the FIR came to be registered.

Learned counsel for the petitioner submits that the petitioner was arrested on 16.07.2019. After lodging of the FIR, the police received secret information and on the basis of secret information, a raid was conducted at the house of Sarwan Singh

@ Akashdeep Singh son of Surjan Singh. Sarwan Singh @ Akashdeep Singh, Kulwinder Singh @ Kinder and Harpal Singh @ Kalu were arrested. Further ATM machine and other tools were also recovered. Disclosure statements of Kulwinder Singh @ Kinder and Harpal Singh @ Kaku were recorded. On the basis of their disclosure statements, petitioner alongwith Sukhchain Singh @ Pintu, Rajwinder Singh @ Veeru and Akashdeep Singh son of Jagsir Singh were nominated and arrested in the present FIR.

Learned counsel for the petitioner submits that the petitioner was never identified by the complainant despite his assertion in the FIR. The petitioner has been implicated solely on the basis of disclosure statements of co-accused. The alleged recovery of currency from the petitioner would be debatable for want of identification mark and cannot be termed to be tainted money for want of mark of identification on the currency so looted. No test identification parade was conducted in terms of Section 54-A Cr.P.C. Co-accused namely Malkiat Singh @ Sadhu, Sarwan Singh @ Akashdeep and Rajwinder Singh @ Veeru have already been released on regular bail by this Court vide different orders.

Learned State counsel, however, opposed the bail on the ground that the petitioner along with others is involved in heinous offence. Learned counsel further states that the

petitioner is having antecedent behaviour of criminal activities as he is also involved in FIR No. 169 dated 12.07.2019, FIR No.156 dated 23.06.2019 and FIR No. 89 dated 27.03.2018 wherein allegations of theft and dacoity have been levelled.

Learned counsel for the petitioner has produced on record photocopies of orders dated 19.09.2019 passed in FIR No. 156 dated 23.06.2019, dated 28.03.2019 passed in FIR No. 19 dated 19.01.2019 and dated 20.09.2019 passed in FIR under Sections 399, 411, 402 IPC and Sections 25, 54, 59 of the Arms Act to contend that the petitioner is on bail in those FIRs. At this stage, I deem it appropriate to treat the petitioner on parity with the other co-accused, who have already been released on regular bail by this Court.

In view of the above, the 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 any opinion on merits of the case.

**(RAJ MOHAN SINGH)**  
**JUDGE**

**14.07.2022**  
PARAMJIT

**Whether speaking/reasoned : Yes**  
**Whether reportable : Yes/No**