

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

211

CRM-M No.8209 of 2022
Date of decision:12.05.2022

Jagbir @ Kala

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Amaninder Preet, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

This is the second petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.164 dated 22.04.2019 registered for offences under Sections 395 and 397 of IPC, 1860, however, Section 25 and 27 of the Arms Act, 1959, were added later on, at Police Station Ganaur, District Sonapat.

Version of the prosecution is that FIR has been registered on the statement of Mahender Singh, a Bank Manager on the allegation that at about 02.30 PM in the afternoon, 05 young boys wearing helmets, came on two motorcycles, entered the Bank with pistols in their hand, threatened all the employees, robbed the Bank of cash, took along the DVR recording with them and locked the staff in the strong room. After about half an hour, when a customer came, he unlocked the strong room and a report was lodged with the police regarding theft of Rs.6,88,650/-.

Counsel for the petitioner submits that although the first petition filed by the petitioner (CRM-M-2997-2020) was withdrawn on 14.08.2020 and the three most crucial witnesses i.e. the Bank staff had been examined prior thereto, but thereafter on the arrest of a co-accused, the *challan* is being presented against him and trial is to start *de novo*. By referring to the already recorded deposition of the bank staff, Annexures P-2 to P-4, counsel has urged that they have failed to identify the petitioner and no Test Identification Parade was conducted. Counsel submits that although the petitioner is involved and convicted in a number of cases, he is prepared to furnish an undertaking that henceforth, he will not get involved in any other criminal case. He asserts that the petitioner is in custody since 16.05.2019 and deserves to be enlarged on bail.

Per Contra, State counsel, upon instructions from ASI Hari Om, has opposed the petition on the ground that the petitioner is involved in a heinous crime and that his antecedents do not warrant his release on bail.

Having considered the submissions made by counsel for the parties, this Court is of the opinion that keeping in view the custody of the petitioner, which by now is almost three years and the fact that the trial is not likely to conclude in the near future, the petitioner is entitled to be released on bail.

In the above circumstances, without adverting to the arguments addressed by counsel for the parties, petition is allowed. The petitioner is ordered to be released on bail on furnishing heavy bail/surety bonds to

the satisfaction of the Trial Court/Duty Magistrate concerned.

While being released on bail, the petitioner will furnish an undertaking to the effect that henceforth, he will not get involved in any criminal activity. He will also supply his mobile number to the SHO of the Police Station concerned, who will keep a tab on his activity. The petitioner will report to the Police Station Ganaur, on the 1st and 3rd Monday of every month. In case, he violates the undertaking, liberty is granted to the State to seek cancellation of the bail.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

12.05.2022

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No