

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

106+221

**CRM-M-8398-2022 (O &M)
Date of decision: 30.03.2022**

ANIL KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Mandeep Kumar Dhot, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent.

SANT PARKASH, J. (ORAL)

CRM-11230-2022

For the reasons mentioned in the application, the same is allowed and the prayer clause in the main regular bail petition is amended by adding Section 392 of IPC (added later on).

CRM-11231-2022

For the reasons mentioned in the application, the same is allowed and copy of the challan dated 21.01.2022 is annexed with the main petition and taken on record as Annexure P-7 and the petitioner is exempted from filing certified copy of the same.

CRM-M-8398-2022

Prayer in this petition under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in

case, FIR No. 423 dated 08.12.2021 registered under Section 379-B/120-B of the Indian Penal Code, 1860 at Police Station Patran, District Patiala to which Sections 392 and 411 of the IPC were added later on.

The present FIR was lodged on statement of Mahipal Singh Yadav who alleged that he is working with Bharat Finance Inclusion Ltd. Company being Deputy Divisional Manager having four branches under him. He terminated the services of the present petitioner Anil Kumar (petitioner), who was working as Branch Manager about 15 days back. One Mohit is working as Branch Credit Manager in one of the branch and in that branch entire amount of collection was got deposited. Sachin and Vikas usually used to visit Mohit and Anil Kumar, as such he knew them. On 08.12.2021, the complainant along with Mohit were going to Axis Bank, Shergarh Branch on motorcycle to deposit the cash amounting to Rs. 975250 kept in black colour bag. When they reached on the link road of village Dhabi Gujra to Shergarh at around 10.30 A.M., two youngsters having muffled faces came on motorcycle from their rear side. The pillion rider was holding a sword. They stopped the motorcycle of the complainant. The pillion rider of the said motorcycle pointed sword towards them and asked them to hand over the bag containing cash, which was handed over by Mohit to them. Thereafter, the assailants fled from the spot. The complainant asked Mohit that he suspect the assailants to be his friends Vikas and Sachin. On the pretext of calling other persons at the spot, Mohit slipped away from the spot. The complainant alleged that the snatching

has been committed by Mohit, Anil Kumar, Vikas and Sachin in conspiracy with each other and got lodged the present FIR.

In the present case, co-accused Mohit and other accused persons had given disclosure statements according to which the petitioner asked the accused persons to help him as one lady is demanding Rs. 10 lakhs from him who is in illegal relationship with him and co-accused Mohit informed with regard to the deposit of cash on that day.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has submitted that the petitioner have no link/any relation with the co-accused namely Vikas and Sachin and only knows the co-accused Mohit as with him the petitioner had worked in the same branch prior to the alleged incident. Even as per the version of the complainant himself neither the petitioner was present at the spot at the time of snatching the cash bag nor was associated with the co-accused persons namely Vikas and Sachin. With regard to the disclosure statement, nothing came on the record that with whom the petitioner is in illegal relationship and for whom the petitioner asked the accused Mohit for help. The alleged stolen amount of Rs.9,75,250/- and the sword used in the commission of crime was got recovered from the rented room of the accused Vikas. No independent witness has been joined against the petitioner except the disclosure statements. The petitioner is not involved in any other case. The petitioner is in custody since 09.12.2021. Nothing is to be

recovered from the petitioner. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

Per contra, learned State Counsel has opposed the petition while contending that the allegations against the petitioner are serious in nature and the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Having considered the facts and circumstances of the case, period of custody of the petitioner, recovery of stolen amount and sword being effected from co-accused Vikas, the petitioner is not involved in any other case, challan in the present case has already been presented, nothing is to be recovered from the petitioner and the fact that the trial is likely to take long time but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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