

(235) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18869-2022

Date of Decision: 10.08.2022

Vipin Kumar

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ramanpreet Sharma, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.0153 dated 15.03.2022 registered under Sections 457, 380 IPC and (Sections 120-B IPC added lateron) at Police Station Baldev Nagar, District Ambala.

2. The brief facts of the case are that Pawan Aggarwal son of Om Parkash got recorded his statement to the effect that he was running a business. Since, he was constructing a building at Kakru, cash used to be required from time to time. He was also running a hotel and a finance business because of which a sum of Rs.8 lakhs approximately was lying in cash in the Almirahs and table drawers of his building. On 15.03.2022, when he went to his building, he found that the locks of the almirahs had been broken and the thieves had taken away his cash amount. Based on the aforementioned complaint, the present FIR No.0153 dated 15.03.2022 came

to be registered under Sections 457, 380 IPC and (Sections 120-B IPC added lateron) at Police Station Baldev Nagar, District Ambala.

3. Thereafter, during the course of investigation, one Akbar @ Lucky and Talib were arrested on 21.03.2022 and one bag containing currency coins was recovered from their possession. They suffered their disclosure statement and got recovered Rs.2,05,000/- out of the total stolen amount of Rs.8 lakhs. Thereafter, Vipin Kumar (petitioner), who was working as a driver with the complainant was arrested on 24.03.2022 and got recovered Rs.50,000/-. Thereafter, Ayub was arrested on 27.03.2022 and got recovered a sum of Rs.1,15,000/- along with an iron rod (Sabbal) used in the commission of the offence. Based on his disclosure statement, Anil @ Jhalla came to be arrested and a recovery of Rs.12,000/- was effected from him.

4. The learned counsel for the petitioner submits that the petitioner has not been named in the FIR. He has been named in the disclosure statement of his co-accused which is admissible in evidence. Since the report under Section 173 Cr.P.C. stands submitted, the further incarceration of the petitioner is not required. Thus, he prays for the grant of regular bail.

5. On the other hand, the learned State counsel submits that the petitioner was named in the disclosure statement of Akbar @ Lucky and a recovery of Rs.50,000/- was effected from him. Therefore, the petitioner does not deserves the concession of regular bail.

6. I have heard the learned counsel for both the parties at length.

7. Admittedly, the petitioner has been in custody since 24.03.2022 and the challan was submitted in the present case on 19.04.2022. Only three out of 08 prosecution witnesses have been examined so far and therefore, the

trial of the present case is not likely to be concluded in the near future. The co-accused of the petitioner namely, Anil @ Jhalla has been granted the concession of regular bail by this Court vide order dated 19.07.2022 passed in CRM-M-26188-2022. Therefore, the further incarceration of the petitioner is not required.

8. Keeping in view the aforesaid facts, the present petition is allowed and the petitioner-Vipin Kumar S/o Shri Nathi Ram is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)

JUDGE

10.08.2022

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No