

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-22441-2021 (O&M)

Date of Decision:- 1.2.2022

Mukesh Kumar @ Babbu

... Petitioner

Versus

State of Punjab

... Respondent

(II)

CRM-M-16968-2021 (O&M)

Sunny Kumar @ Sunny

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arjunveer Sharma, Advocate,
for the petitioner in CRM-M-22441-2021.

Mr. Ankit Grewal, Advocate,
for the petitioner in CRM-M-16968-2021.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Kamaljit Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions
wherein petitioners Mukesh Kumar @ Babbu and Sunny Kumar @

Sunny, seek grant of regular bail in a case registered vide FIR No. 156, dated 12.6.2020, Police Station Division No.6, Ludhiana, under Sections 379-B, 451, 34 IPC and Section 25 of Arms Act.

2. The FIR in question was lodged at the instance of Nirmal Singh wherein he has stated that he was working in Stelait Sports System, Jaspal Bangar Road, near Jaspal Kanda. On 12.6.2020, at about 12 pm he took Rs.5,04,000/- in a red-black colored bag from the factory and went to A.H.Alloy Office to give money where employees of A.H.Alloy Office namely Tejwant Singh and Durga Prasad were present. At about 2 pm when he was going to handover the cash from bag to Tejwant Singh employee of A.H.Alloy and was counting the money someone knocked the door on which Durga Prasad opened the door and two unknown persons out of those one was wearing helmet and second was wearing red cap and both had covered their faces with hankies entered the room. Upon seeing them, the complainant put the money back into the bag and hid the bag below his chair, on which two more persons out of whom one was wearing helmet and second was wearing black coloured cap, entered into the room and the person having black coloured cap holding 'datar' and the other person wearing helmet holding something like pistol started threatening and demanded money. After tying their hands to chairs with ropes the said persons took away an amount of Rs.5,04,000/- and Rs.1,82,000/- from the almirah in the office after putting the money in black bag.

3. Learned counsel representing the petitioners have submitted that they are nowhere named in the FIR and have been nominated as an accused on the basis of a disclosure statement allegedly made by Sanjeev Chopra co-accused when he came to be arrested on 9.7.2020 in connection with another FIR i.e. FIR No.164 dated 3.7.2020, Police Station Division No.2, Ludhiana, under Sections 399, 402, 473 of IPC and Section 25 of Arms Act. Said Sanjeev Chopra is alleged to have disclosed that he along with Sunny Kumar, Mukesh Kumar and Amandeep Singh had snatched an amount of Rs.7 lakhs at gun point on 12.6.2020 and that while he was having a .33 bore pistole, co-accused Sunny was carrying a .315 bore pistole. It is further the case of prosecution that pursuant to the aforesaid disclosure statement aforesaid, Sanjeev is stated to have got recovered an amount of Rs.1,25,000/- whereas the petitioner Sunny is stated to have got recovered an amount of Rs.60,000/- and the petitioner Mukesh Kumar is stated to have got recovered an amount of Rs.55,000/-.
4. Learned counsel has further submitted that infact the local police being unable to solve various of its cases has been foisting cases time and again upon the petitioners on the basis of alleged disclosure statements which hardly carry any evidentiary value.
5. Opposing the petition, learned State counsel has submitted that the credentials of the petitioners indicate that they are habitual offenders having been involved in as many as 7 other cases. Learned State counsel however, not disputed the fact that most of the cases are on

the basis of disclosure statements. Learned State counsel has informed that the petitioners as on date have been behind bars since the last more than 1 ½ years and that trial has not commenced inasmuch as not even a single PW out of cited 12 PWs has been examined.

6. I have considered the aforesaid submissions addressed before this Court.
7. Without commenting anything as regards the merits of the case, this Court however, cannot lose sight of the fact that the petitioners have been behind bars for a period of more than 1 ½ years and till date the trial has not even commenced inasmuch as not even a single PW has been examined till date. In these circumstances further detention of the petitioners will not serve any useful purpose. The petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. A photocopy of this order be placed on the file of each connected case.

1.2.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No