

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

(I)

CRM-M-26924-2022 (O&M)

Date of Decision:- 06.7.2022

Nikhil

... Petitioner

Versus

State of Punjab

... Respondent

(II)

CRM-M-27047-2022 (O&M)

Gagandeep

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rishu Garg, Advocate, for the petitioner
in CRM-M-26924-2022.

Mr. Subhash Kumar, Advocate, for the petitioner
in CRM-M-27047-2022.

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

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Nikhil and Gagandeep, seek grant of regular bail in a case registered vide FIR No.190, dated 7.9.2021, Police Station

Rama Mandi, District Jalandhar, under Sections 392, 452, 336, 148, 149, 201 IPC and Sections 25, 27, 54, 59 of Arms Act.

2. The FIR, in the present case, was lodged at the instance of Deepak Kumar, wherein it is alleged that he is running a factory under the name and style of 'M/s Vardhman Metal'. On 7.9.2021 at about 4:30 p.m., when he was present in his office, 3 young men with muffled faces entered his office out of which one was carrying a pistol, another was armed with a 'dadar' while the 3rd one was empty handed. It is further stated that another three of their associates were present outside on a motorcycle keeping vigil on the factory premises. It is alleged that the person holding pistol aimed the same towards his head and asked him to hand over cash. When the complainant tried to raise alarm, the said person fired a shot towards the floor in order to scare him and the said shot hit the footrest lying on the floor. Thereafter another of those boys took out cash amount of Rs.40,000/- lying in the safe and also took away the mobile phone lying on the table and thereafter they ran away from the spot.
3. Learned counsel for the petitioners have submitted that none of them is named in the FIR and they have been falsely implicated in the present case. It has further been submitted that since 4 other co-accused, including the accused who had allegedly entered the factory premises from where an amount of Rs.40,000/- was forcibly taken, have already been granted bail, the petitioners who are alleged to have remained outside the premises and were allegedly keeping vigil are entitled to a similar concession on the grounds of parity.

4. On the other hand, learned State counsel while opposing the petitions has submitted that although the petitioners are not named in the FIR, but their identity had been duly established on the basis of CCTV footage collected from the cameras fitted in the factory premises from where the occurrence had taken place and that in these circumstances the petitioners do not deserve any concession in the matter of bail. It has however, been informed that as per CCTV footage the petitioners had remained outside while three of the co-accused had entered the premises from where an amount of Rs.40,000/- was taken. It has also been informed that the petitioners have been behind bars for the last more than 9 months and are otherwise not involved in any other case. It has been informed that the charges are yet to be framed and that as many as 13 PWs have been cited.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioners had remained outside the premises while the co-accused had entered into the premises and had forcibly taken an amount of Rs.40,000/- from the office of the complainant. It is also not in dispute that four other co-accused have already been granted bail by this Court. The petitioners have been behind bars for a substantial period of more than 9 months and are not stated to be involved in any other case. Conclusion of trial is likely to consume time inasmuch as none of the cited PWs has been examined so far. In these circumstances this Court is of the opinion that 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.

7. A photocopy of this order be placed on the file of each connected case.

06.07.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No