

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

CRM-M-27720-2022 (O&M)
Date of Decision:- 4.7.2022

Rakesh Kumar alias Vicky ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rishu Mahajan, Advocate, for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by SI Harjinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.23, dated 8.2.2022, Police Station Chatiwind, District Amritsar, under Section 25 of Arms Act (Sections 393, 120-B, 148, 149 IPC added later on).
2. The FIR was lodged at the instance of Deepak Mahajan, Deputy Manager, SBI Branch, Rampura. It is alleged that on 8.2.2022 at about 3.30 pm, when he as well as other bank officials were present in the bank, then an unidentified Sikh youth entered the bank premises followed by two unknown clean shaven youths who were all wearing masks. The Sikh youth and another of his companion

took out pistols. In the meantime, one of their customer ran towards the exit door and upon seeing him, all the three youths followed him and they fled away on their motorcycles.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even if the contents of the FIR are taken to be correct, no robbery of any kind was ever committed. Learned counsel has further submitted that as per the case of prosecution the petitioner admittedly was not amongst the three persons who had entered the bank premises and that he along with Kajal had conducted *recce* outside the bank. It has been submitted that since challan already stands presented, further detention of the petitioner will not serve any useful purpose.
4. On the other hand, learned State counsel while opposing the petition has submitted that the petitioner had played a pivotal role in collecting requisite information so as to facilitate an attempt to rob the bank which was made by the co-accused and as such he is equally liable for the offences in question. It has further been informed that the petitioner happens to be involved in one more case of identical nature i.e. FIR No. 16, dated 31.1.2022, Police Station Chattwind, under Sections 392, 395, 506, 120-B IPC and Section 25 of Arms Act, and as such the petitioner does not deserve the concession of bail.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the nature of allegations and the fact that the petitioner is alleged to have conducted *recce* of the premises in

question following which an attempt was made by co-accused to commit robbery and while also noticing that challan already stands presented, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

4.7.2022
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(GURVINDER SINGH GILL)
JUDGE

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