

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(1) **CRM-M-28252-2022 (O&M)**

Anmol Kumar ...Petitioner

Versus

State of Punjab ...Respondent

(2) **CRM-M-55601-2022 (O&M)**

Kamalpreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision:- 6.12.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Rahul Bhargava, Advocate for the petitioner
in CRM-M-28252-2022.

Mr. J.S. Dadwal, Advocate for the petitioner
in CRM-M-55601-2022.

Ms. Swati Batra, DAG, Punjab.
assisted by ASI Sarabjit Singh.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Anmol Kumar and Kamalpreet Singh seeking grant of regular bail in a case registered against them vide FIR No. 0039, dated 19.4.2022, Police Station Shimlapuri, Ludhiana, under Sections 379-B, 120-B IPC.
2. The FIR was lodged at the instance of the Hitesh Sharma wherein it is alleged that he had been working in the office of his brother-in-law (Rohit)

who was into business of money transfer. It is alleged that on the day of occurrence i.e. on 19.4.2022 he on the asking of his brother-in-law Rohit had proceeded on his motorcycle along with Jaspinder who is also working for Rohit Kumar for the purpose of collecting money. It is alleged that at about 4.20 pm when they were returning back after having collected an amount of ₹10.90 lacs, two persons came on a motorcycle with muffled faces and snatched the bag containing the aforesaid amount of ₹10.90 lacs. During the course of investigation the police arrested petitioners Kamalpreet and Anmol Sharma and from whom an amount of ₹3 lacs each and also a motorcycle was recovered and during their interrogation they disclosed that the entire snatching incident had been committed in connivance and in criminal conspiracy with Hitesh Sharma.

3. The learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case and that in any case since challan already stands presented, further detention of the petitioners is not required for any purpose. It has also been informed that since identically situated co-accused Hitesh Sharma has already been granted bail, the petitioners also seek the same concession on grounds of parity.
4. Opposing the petitions, the learned State counsel has submitted that since an amount of ₹3 lacs each was recovered from each of the petitioners, their complicity is clearly evident. The learned State counsel has, however, informed that the petitioners, as on date, have been behind bars since the last more than 7 months and that although 15 prosecution witnesses have been cited but none has been examined so far. It has also been informed that none of the petitioners is involved in any other case.

5. This Court has considered rival submissions addressed before this Court.
6. It is no doubt the specific case of the prosecution that the petitioners were apprehended by the police and an amount of ₹3 lacs each was recovered from each of them, which would point towards their involvement. However, this Court finds that the investigation is already complete and the petitioners have been behind bars for a substantial period of more than 7 months and the petitioners otherwise enjoy a clean record. Conclusion of trial is likely to substantial time as not even a single prosecution witness out of the cited 15 prosecution witnesses has been examined so far. In these circumstances, further detention of the petitioners will not serve any useful purpose.
7. The petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety 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 connected case.

6.12.2022

kamal

(Gurvinder Singh Gill)
JudgeWhether speaking /reasoned
Whether ReportableYes / No
Yes / No