

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

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CRM-M-34423-2021 (O&M)

Date of Decision: 10.03.2022

Sanjay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Tajinder Pal Singh Makkar, Advocate, for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

(proceedings conducted through video conferencing)

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.76 dated 10.04.2021 at Police Station Model Town, District Police Commissionerate Ludhiana, under Sections 380/381/454/34 IPC (While Sections 380/381/454 IPC stand deleted, Section 394 IPC added later on).
2. The FIR was lodged at the instance of Avinash Sharma, wherein it is alleged that about 15 days ago, they had employed Rajesh Bahadar Dhami as a domestic help. It is alleged that on 10.04.2021 at about 12.45 PM, when she was present in her house and was sitting in a room, then three young boys entered into her house while conversing each other in Nepali language. While one of them sat near the

complainant, other two started ransacking the house and took an amount of Rs.5-6 lakhs, 8-10 tolas of gold ornaments and 2 diamond bangles. It is alleged that the complainant's servant Rajesh Kumar Dhami had been telling the said persons about the articles stored in the house and was hand in glove with the said persons.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has falsely been implicated in the present case on the basis of a statement of complainant's son recorded in terms of Section 161 Cr.P.C., wherein he has stated that he had come to know that one of the 3 robbers was Sanjay Kumar (petitioner). Learned counsel has submitted that there is no credible evidence to connect the petitioner with the alleged offence and that given the fact that he has clean record, he deserves the concession of bail bearing in mind the fact that he has been behind bars since the last about 10 months.
4. On the other hand, learned State counsel while opposing the petition has submitted that the incident happens to be captured in CCTV camera and the CCTV footage shows that the petitioner was standing outside the house. Learned State counsel has further submitted that even if it is held that the petitioner had not entered the house, but he was part and parcel of the entire crime inasmuch as he facilitated escape of other accused with the help of a car and had been waiting outside the house where robbery was committed. Learned State counsel has informed that when the petitioner came to be arrested, an amount of Rs.98,000/- was also recovered from him, which is part of the amount robbed from the house of the complainant. Learned State counsel has, however, informed that although the petitioner is not

involved in any other case, but given the fact that he is native of Nepal, there is every likelihood that he will flee to Nepal like 3 of his other co-accused. Learned State counsel has further informed that as on date, none out of cited 12 PWs has been examined.

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 also stated to be shown in the CCTV footage, this Court does not find any ground for grant of regular bail. The petition is sans merit and is hereby dismissed.

10.03.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**