

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

219

CRM-M-35649-2021 (O&M)

Date of Decision: 11.01.2022

Sagar @ Golu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. B.S.Rathee, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Kapil.

(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.02 dated 01.01.2019 at Police Station Civil Lines Rohtak, District Rohtak, under Sections 379A/397/395/201 IPC and Sections 25/54/59 of the Arms Act.
2. The FIR was lodged at the instance of Ashok Malik, wherein it has been alleged that he is posted as Assistant Manager in Kotak Mahindra Bank, Bhiwani in its Loan Branch. It is alleged that on 31.12.2018, when he reached Head Office after routine collection from different places in Dadri and Bhiwani, 5/7 masked boys were already present there and all were armed with pistols. In the meanwhile, 5/6 other boys also entered the Bank having pistols in

their hands and one of the boys snatched the money bag, which he was carrying, which also contained bank papers and some documents pertaining to his car. It is alleged in the FIR that the complainant was carrying an amount of Rs.7,71,000/-. However, subsequently in the supplementary statement, the amount in question allegedly looted by the accused is stated to be Rs.6,48,540/-.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and came to be nominated on the basis of a statement made by co-accused. It has further been submitted that in fact the petitioner, after his arrest in another case (FIR No.55 dated 02.02.2019 registered at Police Station Sadar Rohtak, Rohtak, under Sections 186/307/353/34 IPC and Sections 25/29/54/59 of the Arms Act) on 07.02.2019 has been involved in as many as 6 other cases on the basis of disclosure statement/s and that apparently the petitioner has been falsely implicated in the present case. Learned counsel has further submitted that in any case the petitioner has already been behind bars for a substantial period of about 3 years and as such, he deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that when the petitioner came to be arrested in another case i.e. FIR No.55 dated 02.02.2019, he suffered a disclosure statement regarding his involvement in the present case and a pistol was also recovered from him and as such, the complicity of the petitioner is

clearly evident particularly in view of the fact that he happens to be involved in 6 other cases. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 3 years and as on date only 4 PWs out of cited 35 PWs have been examined.

5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that the petitioner is not named in the FIR, but subsequently came to be nominated on the basis of a disclosure statement of co-accused. The petitioner himself is also stated to have suffered a disclosure statement regarding his involvement in the present case, when he was arrested in another case i.e. FIR No.55 dated 02.02.2019. It is also evident that the petitioner happens to be involved in 6 other cases. However, this Court finds that in all the 6 cases, the petitioner is stated to have been involved on the basis of disclosure statement/s and was involved after he was arrested on 07.02.2019 in FIR No.55 dated 02.02.2019. The petitioner has been behind bars for a substantial period of 3 years and till date only 4 PWs out of cited 35 PWs have been examined. Though this Court finds that the petitioner does not have good antecedents, but at the same time, the factum of custody of about 3 years would weigh in favour of the petitioner particularly when conclusion of trial is likely to consume time inasmuch as only 4 PWs out of cited 35 PWs have been examined so far.
7. In these circumstances, without commenting as regards the merits of the case, but while noticing the custody of the petitioner, the

petition 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.

11.01.2022

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(GURVINDER SINGH GILL)
JUDGE

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