

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-22.08.2022

CRM-M-45261-2021

Sadik @ Sadiq.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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CRM-M-48937-2021(O&M)

Sehzad @ Kala.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

AND

CRM-M-23449-2022

Rukmadin @ Rukma.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ishnoor Singh, Advocate for
Mr. Vikram Singh, Advocate for Petitioner(s)
(in CRM-M-45261-2021 & CRM-M-23449-2022).

Mr. Ilyas Khan, Advocate for the Petitioner
(in CRM-M-48937-2021(O&M)).

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

This order shall dispose of three bail petitions filed under

Section 439 Cr.PC for grant of regular bail in case FIR No.102 dated 10.06.2020 registered under Sections 457, 380, 427, 411, 34, 120-B, 201 IPC registered at Police Station Lalru, District SAS Nagar (Mohali) by **Sadik @ Sadiq** bearing CRM-M-45261-2021, **Sehzad @ Kala** bearing CRM-M-48937-2021 and by **Rukmadin @ Rukma** bearing CRM-M-23449-2022.

The brief facts of the case are that the present FIR came to be registered at the instance of one Ashish Adhikari, Manager of PNB, Dappar who stated that he had received a call of a nearby branch manager informing that a ATM Machine of Dappar branch had been stolen. He reached the location and found that half of the shutter was open and ATM machine was taken away. The CCTV camera had been destroyed. However, later on during inquiry from the CCTV camera it was found that two persons had arrived at the location at 2.14 am accompanied with a pickup jeep and they destroyed the outer CCTV camera. Then they entered the ATM at 2.30 am by breaking the shutter and after entering, they broke the CCTV camera installed inside the ATM room and then knotted the ATM machine with rope and dragged it away along with cash amounting to Rs.16 lacs approximately. Based on these allegations the aforesaid FIR was registered.

During the course of investigation, ten persons namely, Farman @ Ishaq @ Saka, Gulser @ Kala, Inaam @ Pardhaa, Sadik @ Sadiq, Rukamdeen @ Rukma, Samsudeen @ Samsu, Jaabir, Jeesaan, Sakir @ Jhangi and Ikraam came to be arrested.

The Counsel for the petitioners stated that they have not been named in the FIR but have only been nominated on the disclosure statement of their co-accused which are inadmissible in evidence and recoveries of

different amounts from the petitioners cannot inculcate them in the absence of any connecting/link evidence. Petitioner Sehzaad is in custody since 28.07.2020 and in the two FIRs registered against him he has been granted the concession of bail vide order Annexure P-6. Petitioner-Sadik @ Sadiq has been in custody since 12.08.2020 and has been granted the concession of bail in the three other FIRs got registered against him. Two of the said orders have been placed on record today and marked as Annexure A-1 & A-2. Petitioner Rukmadin @ Rukma is in custody since 10.07.2020 and has been granted bail in the two other FIRs registered against him. Inaam the co-accused of the petitioner has been granted the concession of bail by this Court vide order dated 19.05.2022 passed in CRM-M-44009-2021. As many as 22 prosecution witnesses are cited in the list of witnesses. None of them have been examined so far. They thus contended that the further incarceration of the petitioners is unwarranted in view of the aforementioned facts and circumstances.

The Counsel for the State on the other hand contends that the criminal antecedents of the petitioners do not entitle them to the grant of bail. A sum of Rs.72,000/- has been recovered from Sehzaad, a sum of Rs.25,000/- has been recovered from Sadik @ Sadiq and a sum of Rs.35,000/- has been recovered from accused Rukmadin @ Rukma. Therefore, the offence is prima facie established.

I have heard learned Counsel for both the parties at length.

Admittedly, the petitioners have been in custody for 02 years approximately. As many as 22 prosecution witnesses are cited in the list of witnesses. None of them have been examined so far. IN the other cases registered against the petitioners, they have been granted the concession of

bail by different courts. Thus the further incarceration of the petitioners is not required. Identically situated co-accused Inaam has been granted the concession of bail by this Court vide order dated 19.05.2022.

In view of the above, without commenting on the merits of the case, both the aforementioned petitions are allowed and the petitioner- **Sadik @ Sadiq** son of Sh. Gafur (in CRM-M-45261-2021), petitioner- **Sehzad @ Kala** son of Sh. Jareef Khan (in CRM-M-48937-2021) and **Rukmadin @ Rukma** son of Sh. Julfa (in CRM-M-23449-2022) are ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that they are not involved in any other crime other than the cases mentioned in this order.

If any attempt whatsoever is made by the petitioners and/or his/their family members/friends to contact/threaten/intimidate any of the witnesses of the occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

Petitions stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 22, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>