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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-43485-2022 in/and
CRM-M-42682-2022 (O&M)
Date of Decision: 21.11.2022

SUNNY @ DOCTOR

.. Applicant/Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ajay Ghangas, Advocate for applicant-petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.61 dated 29.01.2018 registered under Sections 34 and 379-B IPC and Section 25 Arms Act (Sections 342, 392, 397, 420 and 120-B IPC added and Section 34 IPC was deleted subsequently) at Police Station Quilla, District Panipat. The petitioner is in custody since his arrest on 15.07.2020.

The FIR was registered on the statement of Sonia and the allegations as noticed by the Addl. Sessions Judge, Panipat in the order dated 02.03.2021 are as under:

“According to the complaint dated 29.01.2018 of complainant Sonia, she was posted as Accountant in IIFL Office, which was engaged in the business of finance and gold transaction. On 29.01.2018, her office was opened at about 09.30 am. At about 10.00 am, when the complainant along with sweeper and accountant of the office was present there, three youths entered therein. They were wearing helmets and masks and were armed with pistols. Just after entering inside the office, they asked her to disclose as to where the gold was kept.

They pressurized her to give keys of the strong room and then after assaulting the complainant and other officials and confining them in a room, they started opening strong room. As they themselves could not open it, therefore, they made Bharat Bhushan Accountant to open the strong room. They looted huge amount of cash and gold kept in the strong room and fled away. One of them was being addressed as Kalu. On this complaint, a case under Sections 379-B read with Section 34 of IPC and 25 of the Arms Act was registered. Investigation proceedings were initiated. During investigation, CCTV footage of the place of occurrence were taken. On 26.03.2018, offences under Sections 342, 392 and 397 IPC were added and offence under Section 34 of IPC was deleted. On 11.07.2020, a secret information was received, on the basis of which, coaccused Imran, Bijender, Rajiv, Daud and Sunny were arrested on 14.07.2020. They were interrogated and suffered disclosure statements admitting their involvement in the subject crime. They also got recovered some of the looted money and cash amount received by them by sale of the looted jewellery. Offence under Section 201 of IPC was added subsequently. Co-accused Bijender in his disclosure statement disclosed that some of the gold jewellery was sold to accused Vijay Chouhan. On the basis of his disclosure statement, Vijay Chauhan was arrested on 04.08.2020. He too was interrogated and suffered disclosure statement and got recovered cash amount of 20,000/- in pursuance thereof. Investigation is still going on.”

Learned counsel for the petitioner has argued that as per prosecution, three accused persons entered the premises, whereas the petitioner was implicated subsequently on the ground that he had done reiki of the area. According to him, the case of the petitioner is distinguishable from the other co-accused, therefore, his further custody may not be necessary. Mr. Ghangas, learned counsel for the petitioner has argued that the co-accused, who had entered the premises, namely, Rajiv @ JP has been released on bail and following the said order, another similarly situated co-accused has been released on bail by the trial Court. He prays for bail.

Learned State counsel assisted by ASI Shish Pal has argued that the occurrence is captured under CCTV footage and three persons with muffled faces had entered the IIFL office and on the strength of the weapons

carried by them, they had looted 12½ kgs of gold. He submits that the recovery has been effected from the co-accused persons and 500 grams gold had fallen to his share, and from the petitioner, Rs.1,25,000/- were recovered. He, on instructions, states that charges were framed recently on 16.11.2022, but no prosecution witness has been examined out of total fifty four witnesses so far.

After hearing the learned counsel and considering the above background, this Court finds that as per prosecution, the accused participated in the crime and previous bail petition of the petitioner was dismissed recently on 08.03.2022. No doubt, the co-accused have been granted the concession of bail, but considering the gravity and nature of the offence and the fact that the material witnesses are yet to be examined, this Court without meaning any expression of opinion on the merits of this case, does not find it to be a fit case for releasing the petitioner on regular bail at this stage.

Dismissed.

21.11.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No