

(222)

2023:PHHC:106005

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

CRM-M-13854 of 2023

Date of Decision: August 17, 2023

**Mohit @ Monu
Versus
State of Haryana**

**...Petitioner
...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Omkar Chauhan, Advocate for Mr. Namit Khurana,
Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case FIR No.119 dated 13.05.2022 registered under Sections 457, 380, 436, 120-B, 201 IPC at Police Station Radaur, District Yamuna Nagar.

As per allegations, on 13.05.2022, at about 04:00 AM, complainant Sandeep Kumar received information that ATM installed by him in Village Kheri Lakha Singh was put on fire. He reached there and found that approximately ₹70,500/- had been stolen by unknown persons by setting ablaze the ATM. FIR was registered. It is in case FIR No.95 dated 13.04.2022 registered at Police Station Radaur, Yamuna Nagar under Sections 457, 380, 201, 436, 120-B IPC that petitioner and co-accused Sachin are alleged to have suffered disclosure statements, revealing their involvement in the commission of the present crime. They were arrested in this case on 13.09.2022 and on the basis of disclosure statements suffered by them, an amount of ₹2,000/- was recovered from the petitioner.

Learned counsel for the petitioner contends that the petitioner has been arrested only on the basis of disclosure statement; that it will be for the prosecution to connect the amount of ₹2,000/- with the amount stolen from the ATM and in the absence of any distinct identity marks, it cannot be proved that recovered amount is connected to the stolen amount from ATM. Learned counsel further contends that the petitioner is in custody for the last 11 months and 04 days in this case and that the trial may take time to conclude.

Learned State Counsel does not dispute the afore-said facts. However, he has drawn attention towards the custody certificate that the petitioner is involved in two more cases.

Heard.

The case is dependant upon disclosure statement of the petitioner & co-accused and recovery of amount of ₹2,000/-. It is for the prosecution to prove that how the recovery of ₹2,000/- is connected with the amount stolen from the ATM. Trial may take time to conclude.

Having regard to the afore-said facts but without commenting anything on the merits of the case, the petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

Disposed of.

August 17, 2023

renu

(DEEPAK GUPTA)
JUDGE

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