

CRM-M-14505-2023

2023:PHHC:126001

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(226)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14505-2023

Date of Decision: 25.09.2023

KAILASH BIND

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Kanwal S. Walia, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.95 dated 29.09.2022 registered under Sections 457/480 IPC and Section 411 IPC added later on at Police Station Fattu DHINGA, District Kapurthala.

2. The present FIR came to be registered at the instance of Manish Sharma son of Balaram who stated that he was working as a Manager at Axis Bank, Bhawanipur Branch. On 28.09.2022 at about 07.00 PM, he along with his staff had left the Bank after closing it. No guard was present during the night. On the next morning, the Bank guard namely, Ranjit Kumar son of Karnail Singh informed him that a theft might have taken place at the bank. When he (complainant) went to the Bank, he found that the outer main gate of the Bank was shuttered and locked. When he (complainant) opened the locks and went inside the Bank, he (complainant) saw that the back side wall of the bathroom of the Bank was broken and by breaking the lock of the

strong room and using a cutter, cash had been stolen. Thus, certain unknown persons had committed the offence in question and legal action was sought.

Subsequent to the registration of the FIR, during the course of investigation, the complainant suffered a supplementary statement that an amount of Rs.38,42,000/- had been stolen by unknown persons. On the basis of technical evidence, Jaswant Singh @ Sodhi son of Shingara Singh was joined in the police party who after seeing the CCTV footage of the camera identified the accused as Ranjit Kumar Bind (granted bail vide order dated 02.08.2023 passed in CRM-M-13016-2023), Kailash Bind (petitioner) and Rami Bind as the accused who were nominated as accused vide DDR dated 01.10.2022. Ranjit Kumar Bind was arrested on 03.10.2022 and the recovery of Rs.50,000/- was effected from him. From his co-accused Kailash Bind Rs.1,60,000/- was recovered. Raja @ Raj and Gajja Nand were arrested on 16.11.2022. Co-accused Jaswinder and Jaswant Singh @ Sodhi were nominated as accused vide DDR No.15 dated 06.10.2022. Thereafter, the recovery of Rs.1 lakh was also effected from the house of the petitioner at Bihar.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has not been named in the FIR and his name came up during the course of investigation. As he was in custody since 16.11.2022, none of the 26 prosecution witnesses had been examined so far and in the three other cases registered against him, he had been granted the concession of bail, he was entitled to the similar concession in this case as well moreso as his co-accused Ranjit Kumar Bind had been granted the similar concession.

4. A short reply dated 18.09.2023 by way of an affidavit of Babandeep Singh, PPS, Deputy Superintendent of Police, Sub-Division Sultanpur Lodhi, District Kapurthala has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the petitioner was duly identified in the CCTV footage. Pursuant to his arrest, a huge amount of money had been recovered from him. He was also an accused in three other cases of a similar nature bearing FIR No.115 dated 25.12.2021 under Sections 457/380/411 IPC, Police Station Lambra, District Jalandhar, FIR No.96 dated 28.12.2021 under Sections 379/411 IPC, Police Station GRP, Jalandhar and FIR No.84 dated 12.09.2022 under Sections 457, 380, 411 IPC Police Station Nurmahal, District Jalandhar. Therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner is in custody since 16.11.2022, none of the 26 prosecution witnesses had been examined so far and that in the three other cases registered against him, he has been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be a matter of adjudication during the course of trial. Admittedly, the petitioner is now in custody since 16.11.2022, none of the 26 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In the three other cases registered against him, he has been granted the concession of bail. In such a situation, his further incarceration is not required as his co-accused has also been granted the concession of bail.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Kailash Bind son of Puneet Bind is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.
9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

25.09.2023

JITESH

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