

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

1. CRM-M-16410-2022 (O&M)

VikashPetitioner

versus

State of Punjab Respondent

2. CRM-M-17031-2022

SachinPetitioner

versus

State of PunjabRespondent

Date of decision : 01.06.2023

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

**Present :- Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate and
Mr. Kanishk Sarup, Advocate
for the petitioner (in CRM-M-16410-2022).**

**Mr. A.V.S. Barsat, Advocate
for the petitioner (in CRM-M-17031-2022).**

**Mr. Karunesh Kaushal, AAG, Punjab assisted by
ASI Rajveer.**

RAJESH BHARDWAJ, J. (Oral)

**This order shall dispose of abovesaid two bail petitions as
they have arisen out of the same FIR.**

**Petitioners have approached this Court by way of present
petitions praying for grant of regular bail in case FIR No.423 dated
08.12.2021, under Sections 379-B and 120-B of IPC and Sections 411 &
392 IPC added later on, registered at Police Station Patran, District
Patiala.**

Adumbrated facts of the case are that the present FIR was lodged on the statement of the Bank Manager, Mahipal Singh Yadav. It was alleged that he is in the job of Bharat Finance Inclusion Limited Company as a Deputy Divisional Manager. Mohit son of Goverdhan was also working as a Branch Credit Manager with whom the entire collection had been deposited. Mohit, Anil Kumar, Vikas and Sachin were friends and hence, he knew all of them. They used to ask Mohit and Anil Kumar about the details of the cash in their branch. On the date of occurrence i.e. 08.12.2021, he along with Mohit was going on motorcycle No.HR-10AH-1497, make Splender, to deposit cash of Rs.9,75,250/- in the Axis Bank Sorgarh Branch. On the way, they were waylaid by two Hindu boys who were on their motorcycle which was without number plate and they were with muffled face. The person riding the pillion having the sword came in front of their motorcycle and they were stopped. They were threatened to handover the cash then Mohit without any resistance handed over the bag along with the cash and they immediately escaped from there. He called at No.100 and informed the police about the incident. He asked Mohit that the assailants appeared to be his friends and got suspicious about the same. Request was made to take the legal action in the robbery committed. After having been registered the FIR, investigation commenced. During the investigation, on the very next date i.e. on 09.12.2021, the accused were arrested and the whole amount looted in the robbery was also recovered. The disclosure statement of the accused were recorded. Petitioners approached the Court of learned Additional Sessions Judge, Patiala praying for grant of bail. However, after hearing counsel for both the sides, learned Additional Sessions Judge declined the

same vide order dated 06.04.2022. Aggrieved by the same, petitioners are before this Court praying for grant of regular bail.

Learned Senior counsel for the petitioner in CRM-M-16410-2022 as well as learned counsel for the petitioner in CRM-M-17031-2022 have vehemently contended that the petitioners have been falsely implicated in this case. They have submitted that on going through the allegations made in the FIR and the relevant record, it is clear that the entire amount has already been recovered on the very next date. They have submitted that the petitioners are behind bars since the date of their arrest. They have further submitted that the petitioners have no criminal antecedents. The investigation is already complete and the charges are framed, however, till date the prosecution has examined only one witness and thus, right of the speedy trial of the petitioners has already been defeated by the prosecution. They have submitted that the investigation is complete and the charges are also framed. In the overall facts and the circumstances, the petitioners deserve to be granted bail.

Learned State counsel, on the other hand, has opposed the submissions made by counsel for the petitioners. He, on instructions from ASI Rajveer, submits that the recovery of the looted amount has been effected from all the accused. He further submits that in all there were 04 accused and all were arrested, however, co-accused Anil Kumar has already been released on bail on 30.03.2022 by this Court. He submits that out of total 13 prosecution witnesses, 01 witness has been examined. He has submitted that as per the instructions provided to him, the petitioners have no criminal antecedents as they are not prosecuted in any other case of the similar nature.

I have heard counsel for the parties and perused the record.

Evidently, the petitioners are behind bars since 09.12.2021.

The amount of Rs.9,75,250/- as looted has been recovered on the very next date. There is nothing on record to show that the petitioners have any criminal antecedents. Out of total four accused, co-accused Anil Kumar has already been enlarged on bail by this Court vide order dated 30.03.2022. As submitted by learned State counsel, challan is presented and charges are framed, however, out of total 13 prosecution witnesses, only 01 witness has been examined so far. Needless to say that dehors the merits of the case, every accused has a right of speedy trial.

The trial of the case will take sufficiently long time. This Court would refrain itself from commenting anything on the merits of the case. However, keeping in view the custody period as well as the attending facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

Photocopy of this order be placed on the file of connected case.

(RAJESH BHARDWAJ)
JUDGE

01.06.2023
m. sharma

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