

CRM-M-16713-2023

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

CRM-M-16713-2023

Date of decision: 20.07.2023

Bachitar Singh @ Ditta

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. H.S.Saggu, Advocate,
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this third petition, the petitioner seeks regular bail in case FIR No.381 dated 09.04.2022, registered at Police Station Shahabad, District Kurukshetra, under Sections 380 and 457 IPC (Sections 473, 461, 427, 201 and 120-B IPC added later on).
2. The above-noted FIR was got registered by Manager, Punjab National Bank, Shahabad, with the allegations that some unidentified miscreants uprooted an ATM machine and taken away Rs.18,41,600/- lying therein.
3. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that initially, Lakhwinder Singh and Amit Kalra were arrested; that the petitioner has been indicted on the disclosure statements of the aforesaid co-accused; that recovery of Rs.1,55,000/- had allegedly been effected from the petitioner; that the petitioner has been in custody since 25.04.2022 and that out of 15

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prosecution witnesses, only 06 witnesses have been examined so far.

4. Learned counsel for the petitioner further contends that case of the petitioner stands on better footing as that of aforesaid co-accused, namely, Lakhwinder Singh @ Lakhwinder, who has been bailed out by this Court, vide order dated 07.07.2023 passed in CRM-M-16898-2023, and that on the ground of parity, the petitioner is also entitled to be released on bail. So far as another case registered against the petitioner, is concerned, the same pertains to Sections 279, 304-A and 427 IPC.

5. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner is a member of gang involved in uprooting ATMs in the State; that by uprooting an ATM machine, the petitioner alongwith co-accused had taken away Rs.18,41,600/- lying therein; that recovery has been effected from the petitioner, and that material prosecution witnesses are yet to be examined.

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

7. The above-noted FIR was registered against some unknown persons. During investigation, Lakhwinder Singh and Amit Kalra were arrested, who had named the petitioner as an accused in their disclosure statements. Though the recovery has been effected from the petitioner, yet the fact remains that he has been in custody since 25.04.2022 and that another case registered against the petitioner does not pertain to similar offence, rather relates to the offence under Sections 279, 304-A and 427 IPC. Some of the prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Furthermore, co-accused, namely, Lakhwinder Singh @ Lakhwinder, on whose disclosure statement the

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petitioner had been indicted in the present case, has since been granted the benefit of bail. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

8. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

20.07.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No