

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21548-2023
Date of Decision:-04.05.2023

SANTOSH KUMAR ALIAS BINDI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

1. Prayer is for grant of regular bail in case having FIR No.1 dated 5.1.2021 registered under Sections 395, 342, 120-B, 201 IPC and Section 25 of Arms Act at Police Station city Mahendergarh, District Narnaul.
2. As per the allegations recorded in the FIR, 5 unidentified persons entered the office of Bharat Finance Company and one of them placed revolver on the forehead of Sita Ram employee of said company while other two persons started beating the other employees of the company and locked them in a room and then took away tab locker containing

Rs.13,89,940/- from the said office. The FIR in this case was registered against unknown persons.

3. The counsel for the petitioner submits that as per the case of prosecution one Parveen @ Babu was arrested in another case having FIR No.345 dated 23.11.2021 registered under Sections 395, 397 IPC and Section 25 of Arms Act at PS Siwani, District Bhiwani and he disclosed about his involvement and that of the petitioner in the present case. Thereafter, the said Parveen and the petitioner were arrested by the police and cash worth Rs.50,000/- was recovered at the instance of the petitioner, who is in custody since 30.7.2022 and that the police has presented challan. The counsel for the petitioner further submits that similarly situated co-accused Sandeep @ Bittu has been enlarged on bail by this Court vide order dated 8.2.2023 (Annexure P-2).
4. The instant petition is resisted by the State counsel, who on instructions ASI Satbir Singh submits that FIR in this case was registered against unknown persons and later one Parveen @ Babu was arrested in FIR No.345 dated 23.11.2021 registered under Sections 395, 397 IPC and Section 25 of Arms Act at PS Siwani, District Bhiwani and he confessed his involvement and about the involvement of the present petitioner in the instance case. Thereafter Parveen and the petitioner were arrested and cash worth Rs.50,000/- was recovered from the possession of the petitioner. However, the State counsel has not disputed the fact that after the completion of investigation challan has been presented by the police. The State

counsel further submits that the petitioner is also involved in one another case having FIR No.345 dated 23.11.2021 registered under Sections 395, 397 IPC and Section 25 of Arms Act at PS Siwani, District Bhiwani as has been submitted above.

5. The counsel for the petitioner while referring to the order dated 28.7.2022 submits that in FIR No.345 dated 23.11.2021 registered under Sections 395, 397 IPC and Section 25 of Arms Act at PS Siwani, District Bhiwani, the petitioner is already enlarged on bail vide order 28.7.2022 (Annexure P-3).
6. I have considered the submissions made by counsel for the parties.
7. The FIR was registered against the unknown persons, who took away Tab Locker having Rs.13,89,940/- in it, on pistol point from the finance company, where the complainant was working as Branch Manager. Admittedly no test identification parade was conducted in this case and on 30.7.2022 the petitioner was arrested on the basis of alleged confession made by him in case having FIR No.345 dated 23.11.2021 registered under Sections 395, 397 IPC and Section 25 of Arms Act at PS Siwani, District Bhiwani. After completion of investigation police has presented challan and trial is yet to be commence. It is a matter of evidence that amount recovered from the petitioner is relating to the amount looted from complainant-finance company. Further similarly situated co-accused has already been granted concession of regular bail vide Annexure P-2. As charges are yet to be framed in the present case, it will take considerable time for

the trial to terminate, so no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period.

8. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

04.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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