

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-25594-2023

Date of Decision: 25.5.2023

Lovely Tomar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.01 dated 5.1.2021 registered for the offences punishable under Sections 395, 342, 120B, 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 ₹ 13,89,940/- from the said office. The FIR in this case was registered against unknown persons.

3. Counsel for the petitioner *inter alia* contends that FIR in this case was registered against unknown persons and during investigation, one

Parveen @ Babu was arrested and then Sandeep @ Bittu was also arrested. The name of the petitioner surfaced in the disclosure statement made by said Sandeep @ Bittu and resultantly, the petitioner was arrested on 12.10.2022 but no incriminating article was recovered at the instance of the petitioner. He further submits that aforesaid Sandeep @ Bittu is already enlarged on bail by this Court vide order dated 8.2.2023 (Annexure P-2). So, prayer is made that the petitioner be also released on regular bail.

4. Present petition is resisted by the State counsel who on instructions from ASI Kuldip Singh submits that FIR in this case was registered against some unknown persons and during investigation, firstly, Parveen @ Babu and then Sandeep @ Bittu were arrested and thereafter, Sandeep @ Bittu made disclosure statement against the petitioner which resulted in arrest of the petitioner on 12.10.2022. However, the State counsel has not disputed the fact that no incriminating article was recovered from possession of the petitioner and further, aforesaid Sandeep @ Bittu is already given concession of regular bail vide order Annexure P-2 by this Court. He further submits that after completion of investigation, challan has been presented but charges are yet to be framed.

5. I have considered the submissions made by the counsel for the parties.

6. FIR in the present case was registered against some unknown persons who took away locker having amount of ₹ 13,89,940/- on pistol point from the finance company where the complainant was working as a Branch Manager. During investigation, the petitioner was named as accused on the basis of the disclosure statement made by co-accused Sandeep @ Bittu who has already been enlarged on regular bail vide order Annexure P-

2. The petitioner was arrested on 12.10.2022 and no incriminating article was recovered at his instance by the police. Admittedly, no test identification parade was conducted. Further, challan has been presented but trial is yet to commence. It will take time for conclusion of trial. Thus, no useful purpose is going to be served by detaining the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 25, 2023
Paritosh Kumar

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