

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

212

CRM-M-32720-2022

Date of decision : 20.02.2023

Rakesh Kumar @ Vicky

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.18 dated 07.02.2022 registered under Sections 392, 395, 506 and 201 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Kamboj, District Amritsar.

Custody certificate dated 19.02.2023 has been filed by learned State counsel in the Court today which is taken on record.

The above-said FIR was registered on the statement made by complainant-Vijay Thakur, Branch Manager of Punjab and Sindh Bank, Branch Naushera Kala, Majitha Road, Amritsar alleging that on 07.02.2023 at about 03:50 p.m., 05 persons aged between 25 to 35 with muffled faces armed with pistol entered in the bank and had taken away one safe box containing approximately Rs.5,08,000/- and CCTV

cameras and DVR.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner is not named in the FIR. Nothing has been recovered from him. The role attributed to the petitioner in the present case is only that he is conducting recce outside the bank. The police arrested the petitioner in another case FIR No.16 dated 31.01.2022 on 17.02.2022 and thereafter, the police has falsely implicated him in 05 other cases. In the present case, the petitioner is in custody since 27.04.2022. Challan has been presented and charges have already been framed. However, no prosecution witness has been examined for far. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition in terms of reply dated 19.12.2022 already filed by the State and submits that in his disclosure statement, the petitioner disclosed that he along with his companion committed dacoity in the bank. The petitioner is also involved in 05 other cases.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, role attributed to him and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner

deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Rakesh Kumar @ Vicky is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

20.02.2023

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No