

2023:PHHC:103306

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

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CRM-M-38014-2023

Date of decision : 09.08.2023

Vishal Singh @ Vishal Kumar**..... Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

Prayer is for grant of regular bail in FIR No.45 dated 04.04.2023, registered for offences punishable under Sections 457, 380 and 342 of IPC, 1860 (Section 395 of IPC, 1860 added later on), at Police Station Doraha, District Khanna.

2. As per the allegations levelled in the FIR recorded in the statement of Ajay Kumar son of Pradeep Kumar, it has been claimed that:-

“Stated that I am a resident of the above address and I have done MBA. From the year 2011, working as an accountant in Milestone Gear Pvt. Ltd at Rajgarh. Tractor axles are made in the mill. I do duty from 9.00 AM to 6.00 PM. Our mill has a day and night shift. In which about 70/80 workers work. There are four security guards in the mill. Out of which two are on duty during the day and two at night. On March 31, the mill was closed due

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to the audit. Yesterday on midnight of 3-4 April 2023, Kuldeep Singh son of Bhag Singh resident of Chhathiwala police station Madoh district Doda J&K and Jatinder Singh son of Mast Ram resident of Nahol police station Fagu district Simla Himachal Pradesh was on Security duty. Today on 4.4.2023, I was present at my house, then I got a call from GM Sir Balwant Singh Ji that 8/9 unknown persons entered the mill by climbing over the wall of the mill and beat the security guard Kuldeep Singh and Jitender and tied them up in the mill, stolen the ready axles marked with brand MGPL and other parts of machine parts from the store, by loading in their canter TATA (Chhota Hathi) color white and auto for passengers and also took the mobile phones of the security guards, so I myself came to the spot in the mill. So I myself inquired from the security guard and checked the footage of the cameras installed in the mill. We are checking all the goods in the mill. In case something came found, I will inform you. This incident took place in the midnight of 3/4 April 2023 in the opening hours of 12:45 AM to 2:30 AM, 8/9 unidentified persons climbed over the wall of the mill and beat up the security guards and stolen the axles in their canter TATA (Chhota Hathi) and auto from the mill.”

3. Counsel for the petitioner relies upon order dated 31.07.2023 passed in **CRM-M-27191-2023**, whereby Vinod @ Vinod Kumar stands admitted to bail. He further submits that the petitioner is behind bar since more than 04 months, investigation stands concluded and the incarceration suffered by the petitioner cannot be prolonged as a punitive measure.

4. Mr. Vinayak opposes the bail and submits that so far as Vinod @ Vinod Kumar is concerned, allegation against him was of having transported the stolen property, whereas the present petitioner is one who actively participated in the theft and can be easily identified in the CCTV footage gathered from the spot.
5. I have heard counsel for the parties and have gone through the records of the case.
6. Keeping in view that the investigation already stands concluded, property stands recovered and the petitioner has no criminal antecedents, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

09.08.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No