

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

CRM-M-54723-2022
Date of Decision:-**08.02.2023**

SANDEEP ALIAS BITTU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

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

Ms. Harpreet Kaur, AAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a 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 Mahendergar District Narnaul.

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.

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 his involvement and about the involvement of the present petitioner in the present case. Thereafter Parveen and the present petitioner were arrested by the police and cash worth ₹68,000/- was recovered at the instance of the petitioner. That the petitioner is in custody since 30.7.2022 and the police has presented the challan, so the counsel for the petitioner made prayer that petitioner be released on regular bail.

The instant petition is resisted by the State counsel, who on instructions from ASI Satbir Singh submits that the FIR in this case was registered against some unknown persons and 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 his involvement and about the involvement of the present petitioner in the present case. Thereafter Parveen and the present petitioner were arrested by the police and cash worth ₹68,000/- was recovered at the instance of the petitioner. The State counsel further apprised that after completion of investigation, challan has been presented.

The counsel for the petitioner while referring order dated 28.7.2022 (Annexure P-3) passed by learned Additional Sessions Judge,

Bhiwani submits that in the another case bearing 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.

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

The FIR in this case was registered against some unknown persons, who took away Tab Locker having ₹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 and the petitioner is in custody since 30.7.2022 and after completion of investigation, police has presented the challan and trial is yet to commence. Further it is a matter of evidence as to whether the amount recovered from the petitioner i.e. ₹68,000/- is relating to amount which was taken at pistol point from the office of Bharat Finance Company.

As charges are yet to be framed, it will take considerable time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period.

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.

(KARAMJIT SINGH)
JUDGE

08.02.2023
Gaurav Sorot

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