

CRM-M-55686-2023

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(216)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55686-2023

Date of Decision: 19.12.2023

RAJA KUMAR @ RAJA @ RAJ

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CRM-M-55778-2023

GAJANAND KUMAR

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Suresh Kumar Arya, Advocate
for the petitioner in CRM-M-55686-2023.

Mr. Sylvester, Advocate
for the petitioner in CRM-M-55778-2023.

Mr. Mohit Thakur, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

This order shall dispose of two petitions bearing No.CRM-M-55686-2023 titled as Raja Kumar @ Raja @ Raj Versus State of Punjab and CRM-M-55778-2023 titled as Gajanand Kumar Versus State of Punjab as the same are arising out of the same FIR. However, for the sake of convenience the facts have been taken from CRM-M-55686-2023.

2. The prayer in the present petitions under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.95 dated 29.09.2022

registered under Sections 457/480 IPC and Section 411 IPC added later on at Police Station Fattu DHINGA, District Kapurthala.

3. The present FIR came to be registered at the instance of Manish Sharma son of Balaram who stated that he was working as a Manager at Axis Bank, Bhawanipur Branch. On 28.09.2022 at about 07.00 PM, he along with his staff had left the Bank after closing it. No guard was present during the night. On the next morning, the Bank guard namely, Ranjit Kumar son of Karnail Singh informed him that a theft might have taken place at the bank. When he (complainant) went to the Bank, he found that the outer main gate of the Bank was shuttered and locked. When he (complainant) opened the locks and went inside the Bank, he (complainant) saw that the back side wall of the bathroom of the Bank was broken and by breaking the lock of the strong room and using a cutter, cash had been stolen. Thus, certain unknown persons had committed the offence in question and legal action was sought.

Subsequent to the registration of the FIR, during the course of investigation, the complainant suffered a supplementary statement that an amount of Rs.38,42,000/- had been stolen by unknown persons. On the basis of technical evidence, Jaswant Singh @ Sodhi son of Shingara Singh was joined in the police party who after seeing the CCTV footage of the camera identified the accused as Ranjit Kumar Bind (granted bail vide order dated 02.08.2023 passed in CRM-M-13016-2023), Kailash Bind (granted bail vide order dated 25.09.2023 passed in CRM-M-14505-2023) and Rami Bind as the accused who were nominated as accused vide DDR dated 01.10.2022. Ranjit Kumar Bind was arrested on 03.10.2022 and the recovery of

Rs.50,000/- was effected from him. From his co-accused Kailash Bind Rs.1,60,000/- was recovered. Raja Kumar @ Raja @ Raj (petitioner in CRM-M-55686-2023) and Gajanand Kumar (petitioner in CRM-M-55778-2023) were arrested on 16.11.2022. Raja Kumar @ Raja @ Raj got recovered Rs.8,500/- and Gajanand Kumar got recovered motorcycle and Rs.6000/-. Co-accused Jaswinder and Jaswant Singh @ Sodhi were nominated as accused vide DDR No.15 dated 06.10.2022. Thereafter, the recovery of Rs.1 lakh was also effected from the house of Kailash Bind.

4. The learned counsels for the petitioners contend that the petitioners have been falsely implicated in the present case. They have not been named in the FIR and their names came up during the course of investigation. As they were in custody since 16.11.2022, none of the 26 prosecution witnesses had been examined so far and in the other cases registered against them, they had been granted the concession of bail, they were entitled to the similar concession in this case as well more so as their co-accused Ranjit Kumar Bind and Khalish Bind had been granted the similar concession.

5. A short reply dated 18.12.2023 by way of an affidavit of Babandeep Singh, PPS, Deputy Superintendent of Police, Sub Division Sultanpur Lodhi, District Kapurthala has been filed in CRM-M-55686-2023 on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that the names of the petitioners came up during investigation. They were arrested and recoveries had been effected from them. They were accused in FIR No.84 dated 12.09.2022 under Sections 457,

380 IPC, Police Station Nurmahal and FIR No.07 dated 29.12.2018 under Section 3 RP (UP) Act, cases respectively. Therefore, they were not entitled to the concession of bail. He, however, concedes that the petitioners were in custody since 16.11.2022, none of the 26 prosecution witnesses had been examined so far and that similarly situated co-accused had been granted the concession of bail.

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case against the petitioners and their co-accused shall be a matter of adjudication during the course of trial. Admittedly, the petitioner are now in custody since 16.11.2022 and none of the 26 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In such a situation, their further incarceration is not required as their co-accused have also been granted the concession of bail.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that they are not involved in any other crime other than the cases mentioned in their respective custody certificates dated 18.12.2023.

10. In addition, the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.2,00,000/- each and deposit the same with

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the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from trial without sufficient cause.

11. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

19.12.2023

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No