

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 260

CRM-M-1784-2023

Date of decision : 25.01.2023

Rohit Chopra

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.B.K.Gupta, Advocate, for the petitioner.

Mr.A.P.S.Tung, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.132 dated 23.09.2021 registered under Sections 420, 379-B, 148, 149 and 120-B IPC (Sections 324 and 395 IPC added later on) at Police Station Division No.7, District Jalandhar.

Briefly stated, the case of the prosecution is that co-accused Ashwani Kumar @ Ashi represented to the complainant that he was in the business of sending persons abroad and in case the complainant was interested to send his nephew to Canada he could do so on paying Rs.11 lakhs to him. Allured by Ashwani Kumar's promise, the complainant, alongwith his friend Manish Kumar, went with Rs.11 lakhs to Baaj Hotel, Chhoti Baradari, Jalandhar where Ashwani Kumar and Parvesh Kumar were present. Parvesh Kumar counted the money but shortly thereafter 5-6 persons, armed with *datars*, entered the room and after causing injuries to the complainant and his friend Manish snatched the bag containing currency notes and ran away. After investigation the police received secret information that the petitioner was also involved in the crime and arrested him. After his arrest the petitioner is said to have confessed to the crime and got recovered Rs.70,000/- from the loot from his sister's house.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; he is in custody since 24.09.2021; he does not have any other criminal antecedents; the alleged confessional statement was allegedly made by the petitioner in the police custody and therefore the same has no evidentiary value; the alleged recovery of Rs.70,000/- at the petitioner's behest is also false; through order of this Court dated 17.10.2022 identically placed co-accused, who had earlier approached this Court through CRM-1829-2022-*Rajinder Kumar @ Jyoti vs. State of Punjab* and CRM-M-3551-2022-*Manjinderjit Singh @ Chhinda vs. State of Punjab*, have already been granted regular bail and that since 16 prosecution witnesses still remain to be examined in the petitioner's trial, the same will take a long time to conclude.

Learned State counsel opposes grant of bail to the petitioner on the ground that the petitioner alongwith his co-accused attacked the complainant and his friend and looted Rs.11 lakhs from them.

The petitioner is in custody since 24.09.2021; he does not have any other criminal antecedents; the evidentiary value of the alleged confessional statement made by the petitioner in the police custody shall be judged at the conclusion of the petitioner's trial; through order of this Court dated 17.10.2022 identically placed co-accused-Rajinder Kumar @ Jyoti and Manjinderjit Singh @ Chhinda have already been granted regular bail and that since 16 prosecution witnesses still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jalandhar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

25.01.2023
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned
Whether reportable

:

Yes / No
Yes / No