

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222 CRM-M-5753-2024
Date of Decision.:02.04.2024

ParteekraiPetitioner
Vs.
State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vaneet Mittal, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.143 dated 31.08.2023 registered under Sections 457, 380, 34, 120-B, 409, 201 of the IPC registered at Police Station Rozkameo, District Nuh.

2. Status report by way of an affidavit of Shri Surender Kumar, HPS, Deputy Superintendent of Police, Nuh, District Nuh has been filed on behalf of respondent- State.
3. As per prosecution case, on the night intervening 29/30.08.2023 theft was detected in Sarv Haryana Gramin Bank, Indri, District Nuh. FIR was lodged on the complaint of Bhavya Adalkha, Manager of the bank as per which she was on leave on 29.08.2023 and the staff went away after closing the safe and the bank at about 06:30 p.m. On 30.08.2023 at about 06:00 a.m. information was received by the complainant from Gaurav, a

shopkeeper in the vicinity of the bank that shutters of the bank were lying open. Police was called at the spot. Petitioner was working as a cashier in the bank at the relevant time. On asking, he also reached the bank. The lock of the strong room was found open. Shutters were lying broken. On enquiries from the bank record, it was found that an amount of ₹48,63,328/- had been stolen by some unknown persons. CCTV and DVR installed in the bank were found missing. During investigation, evidence was collected against the petitioner, the cashier of the bank besides Imran son of Sohrab and Gaurav son of Rajinder, who were running shops in the premises of the bank. They also suffered disclosure statement admitting their role in the crime. An amount of ₹27,50,000/- was recovered from co-accused Imran and amount of ₹15,00,000/- was recovered from co-accused Gaurav.

4. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated on the basis of confessional statement; that except for a motorcycle allegedly used in the crime to have been recovered from the petitioner, no other recovery has been effected. Learned counsel also contends that co-accused Imran and Gaurav from whom heavy recovery of stolen amount was effected, have already been allowed bail; that petitioner is in custody for the last 07 months with no other criminal case pending against him; that trial may take time to conclude and so, he be allowed bail.

5. Learned State counsel has opposed the bail petition by submitting that complicity of the petitioner was found in the crime during investigation. However, it is conceded that co-accused Imran has already

been allowed bail by the trial Court vide order dated 21.03.2024 whereas co-accused Gaurav has been allowed bail on 19.03.2024, copies of both those orders have been placed on record. Petitioner is in custody for the last 06 months and 28 days as per the custody certificate placed on record. He is not involved in any other case. Trial may take time to conclude. Except for a motorcycle, nothing else is stated to have been recovered from petitioner.

6. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

April 02, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No