



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-39063-2024
Date of decision: 20.08.2024

AMARDASS @ DASA @ RAVI
Versus
....Petitioner

STATE OF HARYANA AND ANR
...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. M.K. Panchal, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.26 dated 17.01.2023, under Section 420 of IPC (later on Sections 120-B, 467, 468 and 471 of IPC, have been added), registered at Police Station Chandi Mandir, District Panchkula.
2. The instant FIR, has been registered on a complaint made by one Sahil to the Local Police, to the effect that on 16.01.2023, at about 2:00 PM, when the complainant was withdrawing some amount from an ATM of Central Bank, Barwala, some unknown persons, who were present at the ATM, on pretext of advancing help to the complainant, as he was not able to withdraw the amount, changed the ATM card of the complainant, and thereupon, while mis-using the card of the complainant, those unknown persons, withdrew the amount of Rs.8,000/-, Rs.10,000/- and Rs.1,50,000/-, respectively, from complainant's account. On the



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basis of the above allegations, the instant FIR was registered.

3. The Police agency was set into motion, and the investigation was carried out. The ATM card, CCTV footage, and other evidence were collected during investigation. After one year of the occurrence, one co-accused Rajesh Garg @ Lala was arrested on 10.01.2024, who suffered a disclosure statement, and as per his disclosure statement, he has misappropriated the amount in conspiracy with the other co-accused. The investigation agency, therefore, incorporated section 120-B of IPC, and thereafter, one Sandeep @ Sanjeev @ Sanju was arrested, who also suffered the disclosure statement in the same context, as that of Rajesh Garg @ Lala. The co-accused Raju @ Raj kumar was asked to join investigation through notice under Section 41(1) of Cr.P.C., and was interrogated, and thereafter, he was arrested, who also suffered a disclosure statement. During investigation, involvement of the petitioner was found, in commission of offence in the present case, and finally he was arrested on 05.04.2024.

4. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, has made the following submissions:-

(i) There is no legal evidence to connect the present petitioner with the alleged crime;

(ii) Learned counsel for the petitioner draws attention of this Court to Annexures P-3 & P-4, wherein, the co-accused of the petitioner have been granted the relief of regular bail by this Court, in CRM-M-29562-2024 & CRM-M-35417-2024, vide orders dated 02.07.2024 & 31.07.2024, respectively;

(iii) Petitioner has suffered incarceration of more than 04 months, as



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on today;

(iv) The trial of the case is at an initial stage.

(v) The final report under Section 173 Cr.P.C., had already been filed on 18.06.2024, but the charges are yet to be framed.

(vi) Out of the total 33 prosecution witnesses cited in the final report, none has been examined till date.

6. Per contra, the learned State counsel, has vociferously opposed the grant of regular bail to the present petitioner, and on instructions, imparted to him by the official respondent, submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., had already been filed on 18.06.2024, but the charges are yet to be framed. Learned State counsel further submits that out of the total 33 prosecution witnesses cited in the final report, none has been examined till date.

7. This Court has heard the learned counsel for the parties concerned, and has examined the instant petition, and is of the considered opinion that the instant petition is amenable for being allowed.

8. The reason for forming the above inference emanates from the factum that:- (i) The petitioner is on co-pedestal as that of his co-accused, who have already been granted the relief of regular bail by this Court, in CRM-M-29562-2024 & CRM-M-35417-2024, vide orders dated 02.07.2024 & 31.07.2024, respectively; (ii) The petitioner has suffered incarceration of more than 04 months, as on today; (iii) Out of the total 33 prosecution witnesses cited in the final report, none has been examined till date. (iv) The final report under Section 173 Cr.P.C was filed on 18.06.2024, (v) No fruitful purpose would be served by keeping the petitioner

behind the bars, (vi) Trial is not likely to conclude anytime soon.

9. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

11. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

12. All pending application(s) stand **disposed** of accordingly.

20.08.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No