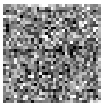


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2024:PHHC:128757



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47788-2024
DECIDED ON: 24.09.2024

SHAHZAD SINGH @ SEHJI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.14, dated 29.02.2024, under Sections 392, 34, 411, 120-B IPC and Sections 25 & 27 of Arms Act, 1959, registered at Police Station Jhabal, District Tarn Taran.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Ashwani Kumar Cashier at SBI Jhabal, son of Sh. Purshotam Lal, resident of Khalsapur Road, Mohalla Rodupura, Gali Jhayi Wali, Tarn Taran, District Tarn Taran, aged around 45 years, M.No. 98555-47445: stated that I am the resident of above-mentioned address and work as a cashier at the SBI Jhabal branch. Today,

at around 2:50 PM, I was sitting in my cabin at the Jhabal branch, conducting cash transactions with customers when suddenly, two unidentified young men wearing helmets entered through the main gate of the bank. The bank guard, Kawaljeet Singh, asked them to remove their helmets. One of the young men pointed a pistol at the guard and snatched his 12-bore gun. The unidentified young men then threatened the customers present in the bank and ordered them to lie down on the ground. Both of the young men who were wearing helmets had pistols in their hands. Due to the threat from the unidentified young men wearing helmets, the entire bank staff became terrified and raised their hands while staying seated. One of the helmeted young men pointed a pistol at me and instructed me to put the cash into a bag he provided. Out of fear, I put all the cash that was in my cabin into his bag. Within 3 to 4 minutes, both of the young men wearing helmets, carrying the bag of cash, left the bank, along with 12-bore gun of the bank guard with them. Shortly after the two young men left, guard Kawaljeet Singh took a customer's vehicle and went after them. Near the turn of village Mannan, the bullet motorcycle on which the unidentified young men had come was found. The number of the bullet motorcycle found at the turn of village Mannan is PB-46-AF- 5927. It was learned that the young men who robbed the bank's cash left the bullet motorcycle there and escaped in a white-colored vehicle. Upon checking the bank's records, it was found that the robbers looted a total of Rs. 7,82,050/- from the bank. Along with the cash, the robbers also took the bank guard Kawaljeet Singh's 12-bore gun and 2 live cartridges. I, along with bank guard Kawaljeet Singh, was on my way to inform your good self when we met you here. I have got recorded my statement

to your good self. I request appropriate action to be taken. Sd/- Ashwani Kumar.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR but was subsequently roped in only on the basis of disclosure statement of co-accused Gurinder Singh @ Ginder. He further contends that the petitioner was not the beneficiary of the alleged amount which has been robbed in the instant FIR. It has been asserted on behalf of the petitioner that except the disclosure statement of co-accused, there is no other incriminating material to connect the petitioner with the alleged offence.

On behalf of the State

Learned State Counsel appearing on advance notice, submits that the petitioner is the main accused who was wearing a helmet and entered into the bank and facilitated the other co-accused to commit robbery, therefore, is not entitled for grant of anticipatory bail. It has been further argued that on raising the alarm, the present petitioner along with other co-accused fled from the spot who were followed and chased by the guard of the Bank and on seeing the guard chasing, they left the motorcycle at the spot and boarded a car and motorcycle stands recovered later on and after the arrest of co-accused Gurinder Singh @ Ginder, on his disclosure statement, name of the petitioner has been nominated in the instant FIR.

4. Analysis

Looking into the gravity of the offence and the robbery committed in a broad day light from the Bank is not only simplicitor criminal act on the part of the petitioner but will result into loss of trust and faith in the Bank administration wherein thousands of citizens in country do deposit their hard earned money feeling safe in those accounts. If such like accused is that of petitioner are let free for anticipatory bail after examining of the offence with the narrated role attributed to him on the part of the prosecution, it would tantamount to grave injustice towards the society at large wherein they will rather fear for keeping their hard earned money in their respective banks.

5. Decision

In view of the discussions made hereinabove, this Court does not find any reason for grant of anticipatory bail to the petitioner. Hence, the same is dismissed having no merit.

(SANDEEP MOUDGIL)
JUDGE

24.09.2024

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No