



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

214

**CRM-M No.47046 of 2024
Date of decision : 7.4.2025**

Jatinder Kumar alias PappiPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Manish Prabhaker, Advocate, for the petitioner

Mr. Eklavya Darshi, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.51 dated 6.4.2024, under Sections 392, 506, 34, 201 and 411 of the IPC and Sections 25, 27, 54, 59 of Arms Act, 1959, registered at Police Station B-Division, Amritsar.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement by Mallik Singh son of Piara Singh resident of village Mira Kot Kala Airport Road Amritsar aged about 33 years mobile No.8872088890 states that I am permanent resident of aforesaid address and I am posted as a Relationship Manager in ICICI bank branch near Namdhari Kanda Tarn Taran road Amritsar. Today on 6-4-2024 as per routine I came on duty in the branch of my bank and other staff members of our bank also have come on duty and our Branch Manager Sh. Puneet Verma had gone out due to some official work and time would be about 2:05 PM I got up



from my seat and to have lunch I was standing in front of pantry room to open its door and at the same time the Cashier of the bank namely Kamalpreet Kaur also got up from her seat and went to Deputy Branch Manager to get pass the cheque and vouchers, in the meantime 3 boys entered in the bank one by one and their age must be about 20/22 years and one of them was holding something like revolver they threatened us and two of them were calling to each other by name of Saajan and Suraj. They put 12,78,122/- in a bag and fled away by foot from the backside of the bank. Their clear photos have been recorded in the CCTV camera installed in the bank then first of all I informed about this to my Branch Manager by phone and thereafter immediately called 112 consequently you along with the police party came present in the bank so kindly take the legal action against the accused persons according to law. The statement has been got recorded and the same has been read over and found it correct Sd/-Mallik Singh Attested SD/- Major Singh ASI Police Station B Division dated 6-4-2024.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 18.4.2024. Learned counsel has further argued that the petitioner was not present at the spot of the alleged incident and none of his photograph etc. emerged in the CCTV in question. Learned counsel for the petitioner has further iterated that, assuming *arguendo* the prosecution versions are taken to be correct, the case set up against the petitioner is primarily based on disclosure statement of one Suraj Singh, who is alleged to have given ₹1.80 lakhs out of the robbed money to the petitioner. Learned counsel has further argued that though a disclosure statement alleged to have been made against the petitioner, but no recovery in pursuant thereto has been effected. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the



petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 5.4.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 18.4.2024 whereinafter investigation was carried out and challan stands presented on 7.6.2024. Total 12 prosecution witnesses have been cited and it is common ground between the rival counsel that none has been examined till date. The rival contention raised by the learned counsel for the parties give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 5.4.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of eleven months and seventeen days and is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However,



in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

7.4.2025
Ashwani

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