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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-56042-2024 (O&M)****Date of decision: 15.01.2025**

Dalbir @ Dallu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent: Mr. Parminder Singh, Advocate,
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking concession of regular bail under Section 483 BNSS, 2023 in case FIR No.292 dated 12.05.2022 under Sections 392, 397, 379-B IPC and 25/29 of Arms Act, 1959, registered at Police Station Gharaunda, District Karnal.

2. Learned counsel for the petitioner submits that the falsity of the prosecution version is writ large from the fact that as per the allegations levelled in the FIR annexed with the petition as Annexure P-1, two unknown persons wearing black helmet along with a face mask entered the bank; both of them were alleged to be carrying fire arms and thereafter at gun point snatched the mobile hand set of the Bank Manager and also forcibly took away Rs. 3,16,950/- before fleeing away from the spot. It has been contended by the learned counsel for the petitioner that the FIR does not even contain the physical description of the two alleged assailants,

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however, strangely while deposing before the trial Court, the complainant had identified the petitioner as being the person, who had committed the robbery in question. It has been contended by the counsel that all the material witnesses in the present case stand examined and nine witnesses still remain to be examined, hence, there is no possibility of the trial concluding in the near future. It has also been submitted by the learned counsel that the petitioner has clean antecedents, which further lends credence to his false implication in the present case.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled in the FIR in question, which stand reproduced hereunder :

“Canara Bank Vill Upli. Tehsil Gharaunda Distt. Karnal To The SHO Police Station Ghauranda Subject: Request to Lodge FIR Regd. Bank Robbery Incident at Canara Bank, Upli Branch, Teh Gharaunda. Dist Karnal Dear Sir. We wish to report a robbery that took place today at our Branch premises at Canara Bank. Village Upli on 12.05.2022 at around 03:00 PM. Today two unknown persons. entered our Branch one of them was wearing a black helmet and the other person was wearing a black face mask. Both of them were carrying firearms (pistois As soon as they entered the Branch they came to the counter and pointed gun at the bank officer and demanded to hand over all cash After that they snatched mobile phone from the Branch head (mobile no. 8572825323) and then entered into the cash cabin and pointed gun at the cashier and forcefully took Rs.3.16,950/-(Three Lakhs sixteen Thousand nine hundred and fifty only). Before leaving the Branch with the stolen cash, they threatened the bank staff that they know the residence of all the staff members and will harm

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them if they take any action or try to follow them. Lastly they locked the Branch door from outside and left with the cash We request you to lodge a complaint in this matter and request you to do the needful Regards Mrs. Savito Manager Upli Branch Mobile 8295857977 hundred and fifty only). Before leaving the Branch with the stolen cash, they threatened the bank staff that they know the residence of all the staff members and will harm them if they take any action or try to follow them. Lastly they locked the Branch door from outside and left with the cash We request you to lodge a complaint in this matter and request you to do the needful Regards Mrs. Savito Manager Upli Branch Mobile 8295857977.”

4. Learned State counsel, however, has not been able to refute that alleged assailants were masked at the time of the alleged occurrence and even the CCTV footage, which was in the vicinity of the place of occurrence, reflected that the alleged assailants had come wearing helmets and face mask. However, learned State counsel has submitted that the complainant while stepping into the witness box has been able to identify the petitioner as being one of the assailants and further more the part of the looted cash amount recovered from the petitioner, which was sufficient enough to link him with the crime in question. Learned counsel for the petitioner has yet again drawn the attention of this Court to the FIR and submitted that this contention with respect to the recovery of some cash amount, falls flat in the face as no details of the looted currency was given while lodging the FIR in question.

5. Learned State counsel, on instructions, has not disputed that though the material witnesses stand examined, however, nine prosecution



witnesses still remain to be examined and the next date fixed before the trial Court is 23.01.2025 when some more witnesses are likely to be examined. Learned State counsel has also not been able to controvert that the petitioner has no previous criminal antecedents.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. The petitioner has been in custody since 26.05.2022; all the material witnesses, including the complainant, stand examined. The trial would take considerable time to conclude as only five witnesses cited by the prosecution have been examined so far. In the facts and circumstances as enumerated here-in-above, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/ Duty Magistrate concerned. However, it is made clear that anything observed here-in-above shall not be construed to be an expression of opinion on the merits of the case.

15.01.2025
Satyawar

(MANJARI NEHRU KAUL)
JUDGE

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