



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

205

**CRM-M No.41467 of 2024
Date of decision : 17.1.2025**

Harwinder Singh @ Mannu

.....Petitioner

Versus**State of Punjab**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amarjeet Singh Prajapati, Advocate, for the petitioner

Mr. Anup Singh, AAG, 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.114 dated 24.8.2018, under Sections 399, 379-B, 402, 342, 148 and 149 of the IPC and Sections 25 and 27 of Arms Act, 1959 (Sections 395, 342, 506 and 379-B(2) of IPC and Section 25 of Arms Act were added later on), registered at Police Station Sarhali, District Tarn Taran.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Naresh Kumar Goyal, Manager, State Bank of India, Sarhali Khurd branch, son of Harbilas Goyal, caste Aggarwal, resident of Rampura Phool, District Bathinda, aged about 33 years, mobile number 98723-45286. I stated that I am a resident of the aforementioned address and a manager at the State Bank of India, Sarhali Khurd. Today, on



24.8.2018, at around 11:20 AM, I was sitting at my desk in the cabin. The bank guard, Dilbagh Singh, was present at the main gate of the bank, and the cashier, Umesh Kumar, was working at his desk. At that time, Dilbagh Singh had a government-issued 12-bore DBBL rifle. Simultaneously, one clean-shaved young person wearing a chocolate-colour cap and another clean-shaved young person entered the bank through the door and sat on a chair near the bank guard. At that time, other customers were present in the bank, either withdrawing or depositing money. In the meantime, four more persons quickly entered the bank. They were all wearing turbans, had uncovered faces, and spoke Punjabi. They appeared to be around 22-24 years old, with one of them looking about 30-35 years old. One of the young men wearing a cap and another clean-shaved young person forcefully snatched the rifle from our bank guard and also took his mobile phone. These two young men then came to my cabin. The young man with the cap took out his revolver, placed it on my shoulder, and demanded to know where the cash and gold were. I told him that the cash was with the cashier and that we don't keep gold, as it is stored at the main branch. At that moment, the young men forcibly took my wallet, which contained around Rs. 3,400, my ATM card, and my driving license, as well as the DVR of the CCTV lying near me. They also disconnected the monitor wires and snatched my MI. mobile phone. Meanwhile, two of the turbaned persons went to the cashier and at gunpoint, snatched Rs. 3,37,410/- from Umesh Kumar, along with his gold ring, wallet containing Rs. 500/-, and Aadhaar card. One of them was stationed at the bank gate, while another stood outside. It was also learned that as they were leaving, they snatched the customers' mobile phones, and a bullet from their weapon fell near the gate. After robbing the bank, they threatened me, warning that they would kill me if I reported the incident to the police. All the above-mentioned persons then got into a white- colour car Toyota Etios sedan parked outside the bank and drove from Sarhali Khurd towards Rasul Canal by road. I witnessed the entire incident through the glass of my cabin. The said persons took Rs. 3,37,410/- from our bank, including Rs. 3,400/- from me, my mobile phone, the CCTV DVR, my wallet containing my ATM card and driving license, the guard's 12-bore DBBL rifle along with cartridges, the cashier's wallet containing Rs. 500/- and his Aadhaar card, as well as a gold ring. I informed the senior officer about this incident and asked them to come to the spot. I have written my statement, read it, and



confirmed its accuracy. Legal action should be taken against the culprits. Sd/- Naresh Kumar Goyal The statement was verified by Sd/- Balbir Singh, ASI, Police Station Sarhali, dated 24.8.18.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 22.1.2020. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the petitioner has been implicated into the FIR in question primarily on the basis of a disclosure statement of co-accused Jagjit Singh. Learned counsel for the petitioner has further submitted that the trial is procrastinating and the delay cannot be attributed to the petitioner. Learned counsel has further iterated that no requisite TIP (Test Identification Parade) was got conducted by the Police to connect the petitioner with the alleged offence. 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 16.1.2025 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 22.1.2020 whereinafter investigation was carried out and challan stands presented on 5.4.2021. Total 20 prosecution witnesses have been cited out of which only one has been examined till date. It is thus, indubitable, that conclusion of the trial



will take long. The rival contention of learned counsel for the parties; as to whether the petitioner has been falsely implicated in the FIR in question, whether the veracity/weightage required to be attached to the disclosure statement of co-accused Jagjit Singh on the basis of which the petitioner has been implicated into the FIR in question as also the weightage required to be attached to the factum of TIP not having been conducted by the police; shall be gone into 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 16.1.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 4 years, 11 months and 24 days in the present FIR.

As per the said custody certificate, the petitioner is stated to be involved in 22 more cases. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of



the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

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/Illaq 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

2025:PHHC:006690



CRM-M No.41467 of 2024

-6-

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

17.1.2025

Ashwani

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No