
(2024) 01 UK CK 0018

In the Uttarakhand High Court

Case No : First Bail Application No. 2260, 2264 Of 2022

Jagjeet Singh And Others

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 04-01-2024

Acts Referred:

Indian Penal Code, 1860 — Section 34, 392, 411

Citation : (2024) 01 UK CK 0018

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : D.C.S. Rawat, Amit Bhatt

Final Decision : Dismissed

Judgement

Ravindra Maithani, J

1. Since both the bail applications arise from the same FIR, they are heard together and are being decided by this common order.
2. Applicant Jagjeet Singh, Jugraj Singh and Arshdeep are in judicial custody in Case Crime No.326 of 2022, under Sections 392, 411 and 34 IPC, Police Station Kashipur, District Udham Singh Nagar. They have sought their release on bail.
3. Heard learned counsel for the applicant and perused the record.
4. According to the FIR, on 09.06.2022, at about 2:15 PM, a person approached an employee of The Punjab National Bank, Branch Moradabad Road, Kashipur, District Udham Singh Nagar, and made certain enquiries. Later on, at 03:46 PM, that person along with two other persons entered into the bank with firearms, extended threats and took entire cash from the cashier's counter, and ran away. On a question made by the person, who lodged the FIR, it was revealed that approximately Rs. 7 to 10 Lakhs have been looted, but the statement further adds that the exact amount would be revealed after counting the cash.
5. Learned counsel for the applicants would submit that on the one hand, the FIR

records that the loot was of approximately Rs. 7 to 10 Lakhs whereas, more than Rs. 14 Lakhs were allegedly recovered from the applicants. He would also raise the following points in his submission:-

(i) The applicants were arrested from Delhi.

(ii) There has been no Test Identification Parade conducted by the Investigating Officer.

(iii) There is no evidence against the applicant.

6. On the other hand, learned State Counsel would submit that the looted amount has been recovered from the applicants; their movements were captured in the CCTV footage of the bank, based on which, they were identified. There are photographs as well. He would submit that when the applicants were apprehended and cash was recovered from them, the bank officials did identify him.

7. It is a stage of bail. Much of the discussion is not expected of. Arguments are being appreciated with the caveat that any observation made in this order shall have no bearing at any subsequent stage of the trial, or in any other proceeding.

8. It is true that Test Identification Parade has its own credibility to take a lead to the investigation. In the instant case, loot has been committed in a bank. The bank officials have ample opportunity to identify the miscreants, which they have stated that they could identify the miscreants. On an information having been received, when the police apprehended the applicants, it is the case of the prosecution that from the possession of the applicant Jagjeet Singh, Rs. 2,10,500/-, a country made pistol and 10 cartridges were recovered, from the possession of applicant Jugraj Singh, Rs. 8,00,000/- and a pistol were recovered and from the possession of applicant Arshdeep Singh, Rs. 4,00,000/- and a country made pistol were recovered. The bank officials have given statement that after checking the account, they could make out that total Rs. 15,08,460/- were looted from the bank. There have been CCTV footages and based on it, there were photographs of the miscreants, which, according to the prosecution, did match with the applicants. Not only this, it is the case of the prosecution that when arrested, the police informed the bank officials to reach at the spot and identify all these applicants.

9. Having considered, this Court is of the view that it is not a case fit for bail. Accordingly, the bail applications deserve to be rejected.

10. The bail applications are rejected.