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

**CRM-M No.4040 of 2017
Date of Decision: 13.02.2017**

RANA PARTAP SINGH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Kamal Chaudhary, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.798 dated 22.11.2016, registered under Sections 342, 395, 450 IPC and under Sections 25, 54, 59 of the Arms Act at Police Station Sarai Khawaja, Faridabad.

The FIR was registered at the instance of Kuldeep Kishore, who alleged that on 22.11.2016 at 12.15 p.m. he was present at his home along with his wife Maheshwari. In the meanwhile 5-6 persons entered in the house with deadly weapons and they locked up the couple in one room and looted

the cash, jewelry and other valuables. They were calling each other's names as Pawan, Jatender and Atul. With this background the case came to be registered.

Learned State counsel on instructions from ASI Amarjit Singh stated that the material against the petitioner is the disclosure statement of accused Atul and Pawan, wherein complicity of the petitioner was disclosed to the effect that he did *reki* of the house and was the mastermind of the entire episode. Learned State counsel also stated that as per available record there is no other case against the petitioner.

Pursuant to the aforesaid disclosure statement, nothing was recovered from the petitioner. The allegation of giving information about the house would be a debatable issue in as much as that except the disclosure statement, no material has been collected by the prosecution so far. Challan has not been presented in the Court. The persons named in the FIR have already been arrested and recoveries have also been effected from them.

At this stage, without adverting to the merits of the case, I am of the view that since nothing has been recovered from the petitioner, his prayer for regular bail can be considered.

In view of above, petition is allowed. Petitioner is

ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the *Ilalaqa* Magistrate/Duty Magistrate, Faridabad.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 13, 2017.

(RAJ MOHAN SINGH)
JUDGE

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No