

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

CRM-M-34827-2018

Date of decision:11.12.2018

Rajan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Aashna Gill, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.464 dated 02.09.2017 at Police Station Sadar Thanesar, District Kurukshetra under Sections 395 and 216 of Indian Penal Code, 1860 and Section 25 of the Arms Act.

The FIR in question was lodged at the instance of complainant-Bijender Singh wherein it has been alleged that on the day of occurrence when he along with Laxman Bansal was proceeding in a car bearing registration No.HR-29-X-0907 from Amritsar to Faridabad and

had taken a halt at a hotel near Pipli and when they were about to go inside the hotel, 4 boys came there out of whom two armed with pistols aimed pistols at the head of the complainant and demanded car keys while issuing threats to kill them, in case, they did not hand over the same. It is thus alleged that the complainant was robbed of his car by the said accused at gun point.

Learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and is sought to be implicated on the basis of a disclosure statement of co-accused alleged to have been recorded during the course of interrogation.

On the other hand, learned State counsel has today filed reply by way of affidavit of Sh. Gurmail Singh wherein it has been deposed that one Deepak alias Deepu who had been arrested in connection with another case has disclosed that they had snatched the vehicle in question and pursuant to the said statement Deepak alias Tinu who was confined in jail in respect of yet another case was interrogated and who further disclosed that he along with Deepak alias Deepu and present petitioner and Sampat Singh had snatched the vehicle in question from the complainant. It was pursuant to the said disclosure statement that the petitioner was arrested on 25.01.2018. Learned State counsel has further informed that owner of the vehicle as well as its driver have identified the accused including the present petitioner.

At the last date of hearing this Court had specifically directed the State to file a report as regards antecedents of the petitioner. Today,

learned State counsel has informed that apart from the present case, the petitioner is involved in one more case pertaining to offence under Section 25 of the Arms Act, wherein he is on bail.

Having considered rival contentions addressed before this Court and also the fact that the petitioner was involved pursuant to a disclosure statement of co-accused, the veracity of which is yet to be tested during trial and also that the petitioner has been behind bars since last more than 11 months and till date not even a single prosecution witness out of 29 cited prosecution witnesses has been examined and also that the petitioner apart from the present case is involved in one case under the Arms Act, in which he is on bail, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. The petition as such is accepted. The petitioner-Rajan is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

11.12.2018
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**