

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

CRM-M-54532-2018 (O&M)

Date of Decision:-14.12.2018

Kifayat

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nafees Ahmad Khan, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No.229 dated 14.8.2018 at Police Station Punhana, District Nuh under Sections 399, 402 of Indian Penal Code, 1860 and Section 25 of Arms Act 1959, wherein Sections 395 and 412 of IPC were added later on.

The FIR was registered on the basis of a secret information received to the effect that Noman alongwith his companions was sitting in a truck container and were planning to commit a dacoity and that they were also carrying illegal weapons.

Pursuant to receipt of the aforesaid information, a raid was conducted and Noman and four other boys were apprehended from the truck container. Noman was found to be carrying a country made .315 bore pistol, which was loaded apart from two live bullets from his right pocket. The

other four boys accompanying him, upon inquiry disclosed their names as Arif, Imran, Jabid @ Jabbar and Kifayat (petitioner). However, the said four boys were not found to be carrying any weapon. It is further the case of prosecution that when the said boys were apprehended, one or them was heard saying that he is in need of money and a decoity be committed.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that in any case even the FIR does not disclose that he was carrying any weapon so as to suggest that he was making any preparation alongwith others for commission of any robbery or dacoity.

On the other hand, the learned State counsel has submitted that since a co-accused was found to be in possession of a country made pistol and they were heard conversing to the effect that a dacoity should be committed, therefore, the complicity of the petitioner is evident.

Having considered the rival submissions addressed before this court and bearing in mind the fact that no recovery of any weapon was effected from the petitioner and it is only one of the co-accused namely Noman, who is stated to be carrying a weapon and also the fact that the challan has already been presented and that not even a single prosecution witness has been examined so far, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars especially keeping in view the fact that the petitioner is not even stated to be involved in any other case. The petition, as such, is accepted. The petitioner Kifayat is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This petition stands accepted accordingly.

14.12.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No