

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

**CRM-M No.6228 of 2018
Date of Decision: 04.04.2018**

Kamal

.....Petitioner

Vs

State of Haryana

.....Respondent

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

Present: Mr. Rohit. Rana, Advocate for
for the petitioner.

Mr. M.D. Sharma, AAG, 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, 450, 395, 397, 120-B IPC and Sections 25/54/59 of the Arms Act at Police Station Sarai Khawaja, Faridabad.

FIR was registered at the behest of Kuldeep Kishore who alleged that on 22.11.2016 at about 12.15 PM, he was present at home along with his wife. In the meanwhile, 5-6 persons entered his house with deadly weapons and they locked the couple in a room and looted the cash, jewelleryes and

other valuables lying in the house. The accused were calling each others as Pawan Jitender and Atul. Accused were arrested in case bearing FIR No.745 dated 23.11.2016 registered under Sections 399, 402 IPC and Sections 25/54/59 of the Arms Act at Police Station Sector 10, Gurugram. On the basis of their disclosure statements, they have been taken on production warrants in the present case. A country made pistol is alleged to have been recovered from the petitioner in the aforesaid FIR No.745 dated 23.11.2016. The looted amount, jewelleryes and other valuables have been recovered from the car when the accused were arrested in FIR No.745 dated 23.11.2016.

Learned State counsel on instructions from Inspector Kuldeep (Vigilance) submits that cash and ornaments were jointly recovered from all the accused in FIR No.745 dated 23.11.2016 as the same were effected from the car. Investigating Officer could not submit as to whether the said car was the subject matter of theft or otherwise.

Petitioner has already been granted regular bail in the aforesaid FIR i.e. FIR No.745 dated 23.11.2016 on 07.06.2017. The joint recovery from the accused from a car which is not the subject matter of case property in the present case would be debatable. Co-accused namely Rana Partap Singh and Atul @ Kake have already been granted regular bail by the High

Court in CRM-M No.4040 of 2017 and CRM-M No.40960 of 2017 vide order dated 13.02.2017 and 09.11.2017 respectively.

At this stage, without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

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

April 04, 2018.

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No