

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-28166-2019 (O&M)
Date of Decision:-11.7.2019

Balraj @ Balbir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gourav Jain, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.507 dated 12.12.2018 registered at Police Station City Tohana, District Fatehabad under Section 25 of Arms Act, 1959 and under Sections 34, 342, 392, 506, 458 and 120-B of Indian Penal Code, 1860.

The FIR was registered at the instance of Bhim Sain Gupta, wherein it has been alleged that on 11.12.2018, when he alongwith his wife were alone at their house in the evening, then two unknown persons entered their house. One of them, who had covered his face, was carrying a 'barcha' and the other was carrying a pistol and after throwing the complainant and his wife in the room, they demanded key of the almira. When the complainant refused to hand over the key, they broke the lock of the room

and the almira and took away an amount of ₹15.58 lacs from the bag alongwith two mobile phones and ran away from there.

The learned counsel for the petitioner has submitted that although only two unknown persons are named in the FIR, but during the course of investigation, the police has arrested four persons. The learned counsel has submitted that even as per the investigation of the police, the petitioner is not amongst those two, who had entered into the house of the complainant and had allegedly taken away the amount of ₹15.58 lacs.

Opposing the petition, the learned State counsel has informed that the petitioner had been working as an Accountant in the commission agency of the complainant and that he alongwith Ram Niwas @ Gyasu, who was working as a sweeper in the commission agency of the complainant, hatched a conspiracy with one Davinder Singh and Kulwinder @ Buba, who broke into the house of the complainant and robbed them of an amount of ₹15.58 lacs. The learned State counsel has informed that Ram Niwas @ Gyasu, during the course of his disclosure statement, had disclosed about the name and role of the petitioner.

Having considered rival submissions addressed before this Court and while noticing that the petitioner came to be nominated on the basis of disclosure statement of co-accused Ram Niwas @ Gyasu, the admissibility and veracity of which is yet to be tested during the course of trial, and while also noticing that even as per the case of the prosecution it is not the petitioner who had broken into the house of the complainant and had stolen the amount and while also noticing that the petitioner has been behind bars since the last more than six months, 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 stated to be involved in any other case. The present petition, as such, is accepted and the petitioner Balraj @ Balbir is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands accepted accordingly.

11.7.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No