IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1870-2020
Date of Decision: 23.01.2020

Kulwinder Singh @ Buba

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jimmy Singla, Advocate for the petitioner.

Mr. Praveen Bhadu, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.507 dated 12.12.2018, under Sections 25/34/342/392/506 IPC, 1860 (Sections 458/120-B/201 IPC and Section 25 Arms Act, 1959 added later on), registered at Police Station City Tohana, District Fatehabad. He is in custody since 04.01.2019.

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 pushing the complainant and his wife in the room, they demanded key of the almirah. When the complainant refused to hand over the key, they broke the locks of the room as well as almirah and robbed an amount of ₹15.58 lacs from the bag alongwith two mobile phones and ran away from there.

Learned counsel for the petitioner submits that the present petitioner was made an accused on the disclosure statement of co-accused

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Balraj @ Balbir and Ram Niwas @ Gyasu, who were arrested in this case. It is pointed out that Balraj @ Balbir was granted regular bail vide order dated 11.07.2019 and another co-accused Davinder singh has been released on bail vide order dated 07.01.2020. He states that the challan stands filed and charges are yet to be framed and the trial is likely to take some time, therefore, further custody of the petitioner may not be required.

On the other hand, learned State counsel, on instructions from HC Rajesh, has opposed the prayer on the ground that the petitioner and co-accused committed the crime and robbed an amount of ₹15.58 lacs from the complainant. He submits that the petitioner is involved in 12 more cases, but he does not dispute the fact that co-accused of the petitioner have been released on regular bail by this Court.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Fatehabad.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

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Whether speaking/reasoned Yes
Whether reportable No

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