

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

CRM-M-4929-2020 (O&M)

Date of Decision:-18.2.2020

Ajit and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aditya Sanghi, Advocate for the petitioners.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners have approached this Court seeking grant of regular bail in a case registered vide FIR No.67, dated 11.4.2018 registered at Police Station Ateli, District Mahendergarh (Haryana) under Sections 341, 392, 395, 342, 412, 201 of Indian Penal Code, 1860 and Section 25 of Arms Act.
2. The FIR was registered at the instance of Diragpal Singh Chauhan wherein it has been alleged that he went off to sleep at his home on 11.4.2018 as usual and that at about 2 A.M. in the morning, four persons entered into his bedroom. Out of the said persons, one was carrying an iron rod and another pointed a pistol on his head and demanded key of almirah. Upon refusal of the complainant to handover the key, they broke the almirah and took out the entire gold jewellery kept therein which weighed about 40 'tolas' and also took away cash amounting to ₹10 lakhs. It is further alleged that the said

persons also took away another amount of ₹4 lakhs from the room of complainant's wife and also broke a safe lying outside the house. It is alleged that from the language used by the said persons, they appeared to be hailing from eastern Uttar Pradesh or Bihar and were aged between 20-35 years .

3. The learned counsel for the petitioners has submitted that the petitioners are not named in the FIR and are sought to be nominated on the basis of disclosure statement made by co-accused namely Tejpal @ Teja and also by accused namely Gordhan @ Gowardhan.
4. The learned State counsel has, however, opposed the petition mainly on the ground that pursuant to arrest of the petitioners, some silver coins were recovered from each of the accused, therefore, complicity of the petitioners in the offence is clearly evident and as such no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and the fact that the petitioners have been behind bars since the last more than 7 months and challan already stands presented, further detention of the petitioners will not serve any useful purpose. The petition, as such, is accepted and the petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.2.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No