

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

CRM-M-14008-2020 (O&M)

Date of decision:18.6.2020

VINOD @ GUNGA AND ANOTHER

.....Petitioners

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Aditiya Sanghi, Advocate
for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual
Court)*

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 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 co-accused namely Gordhan @ Gowardhan. Learned counsel for the petitioners also claimed parity as their co-accused Ajit, Gordhan @ Gowardhan, Moti and Tejpal @ Teja have already been granted concession of bail by this Court.
4. Opposing the petition, the learned State counsel has submitted that the petitioners have specifically named by co-accused Gordhan @ Gowardhan and they are also involved in two other case, no case for grant of bail is made out. It has however been informed that the petitioners are in custody since 6.5.2019 and that 5 PWs out of cited 40 PWs have been examined on instructions from SI Birender Singh .
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 last more than 1 year and that only 5 PWs out cited 40 PWs have been examined, further detention of the petitioners will not serve any useful purpose as conclusion of trial is

likely to take some time.

7. The petition, as such, is accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.6.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**