

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

CRM M-18791 of 2020 (O&M)
Date of Decision: August 05, 2020

Rahul		Petitioner
	Versus	
State of Haryana		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Vishal Nehra, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Rahul has moved this first regular bail application under Section 439 of Cr.P.C. in FIR No. 136 dated

02.08.2019 under Sections 394, 397 and 506 of IPC and Sections 25, 29, 54 and 59 of the Arms Act 1959, registered at Police Station Pillukhera, District Jind.

The allegations in brief are leveled by complainant Sultan Singh. In his allegations complainant states that he owns a shop under the name and style of M/S Saini Kiryana Store where he has employed two workers, namely, Ram Mehar and Sandeep, who look after the shop and has also installed CCTV surveillance system in the shop. The allegations are that on 01.08.2019 during midnight period unknown persons came to the shop, out of whom, two had their faces muffled while two had not done so and were armed with firearms. It is alleged that these persons who were unknown threatened the workers of the complainant to kill them and in the process a scuffle ensued, where injuries were caused to the two sides and, thereafter, intruders ran away leading to the registration of the present case.

It is subsequently, in a case bearing FIR No.157 dated 27.08.2019 under Sections 25/54/59 of Arms Act, Police Station, Pillu Khera, the accused petitioner Rahul was arrested and who made disclosure statement that he was the one of the persons who had committed the crime in the present case.

Mr. Vishal Nehra, learned counsel for the petitioner

inter alia contends that the petitioner is behind the bars since 29.08.2019 and there is no evidence to link him with the crime of the offence.

Mr. Baljinder Virk, DAG, Haryana learned State counsel has opposed the bail on the ground that the petitioner is facing many other similar cases and if allowed bail there is every likelihood that he would threaten the witnesses and influence the trial.

Going through the submissions, to the specific query of the Court what evidence has come about against the petitioner in the present case, the learned State counsel with all fairness concedes that there is none. The only piece of evidence that has been highlighted is test identification parade conducted by the police in the police station and, thus, the very acceptability of such an evidence is highly doubtful. Nothing has been recovered from the petitioner in this case. Keeping in view the period of incarceration and without feeling the necessity to advert on to the merits of the case, this Court deems it appropriate to grant the bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed

herein shall not be construed as an expression on the merits of the case.

Disposed off.

August 05, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No