

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

CRM-M-32384-2020 (O&M)
Date of Decision:- 15.10.2020

Sonu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.S.Sahu, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.293 dated 17.6.2020 under Sections 398/401 IPC and Sections 25/54/59 of Arms Act at Police Station City Fatehabad, District Fatehabad.
2. It is the case of prosecution that while a police party headed by S.I. Kishori Lal was patrolling at Birghar Chungi Mini By-pass, Fatehabad, then a secret informer informed that four young boys who were in a Desire Car at Huda Sector T-Point, Fatehabad were attempting to rob persons at gun point on the Road and that in case a raid is conducted immediately, the said boys could be caught red handed along with weapons. Pursuant to receipt of said information, the police party went towards the nominated place where the police vehicle was signalled to stop with the help of a torch by one boy and as soon as the police vehicle came to a halt, three boys including the

Driver got down from a car out of whom two were carrying 'iron rods' and one boy was carrying a pistol. The said boys surrounded the government vehicle and the boy who was standing towards the Driver side took out a pistol and demanded that whatever was being carried by the complainant and others, the same be handed over to them otherwise they would be shot. The complainant (S.I.) switched on the light inside the government vehicle and the boys upon noticing the police officials in the government vehicle tried to run away but were apprehended by the police officials. Upon enquiries, they disclosed their names as Akshay, Darshan, Akash and Sonu. While Akshay was found to be in possession of a 'country made pistol' alongwith cartridges, Darshan was carrying an 'iron rod', Akash was carrying a 'Sariya' (thin iron rod) and the petitioner Sonu was found to be carrying a torch.

3. The learned counsel for the petitioner has submitted that the story as brought about by the police is highly improbable inasmuch as it is unlikely that such kind of secret information would have been received by the police and the police pursuant to said secret information would have been able to catch the accused red handed while the accused were allegedly trying to rob the police officials. The learned counsel for the petitioner has further submitted that the petitioner in any case, even as per the FIR, is stated to be carrying a torch only and is not stated to be carrying any weapon. It has further been submitted that the petitioner, in any case, has been behind bars since the last more than 4 months.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. The learned State counsel has informed that the petitioner has been

behind bars since the last more than 4 months and that he is involved in one more case in Rajasthan.

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 petitioner is stated to be carrying a torch only and while also noticing that the petitioner has been in custody since the last more than 4 months, further detention of the petitioner behind bars will not serve any useful purpose.
7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.10.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No