

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-36266-2020****Date of Decision: 01.12.2020**

Baljeet

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Raj Kapoor Malik, Advocate, for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.374, dated 24.07.2020, at Police Station Sadar Thanesar, District Kurukshetra, under Sections 392, 506 IPC and Section 25 of the Arms Act (Sections 397,379-B, 34 IPC and Sections 27, 29, 54, 59 of Arms Act added later on).
2. The FIR was lodged at the instance of Manoj Kumar, wherein it is alleged that he is employed at HP petrol pump and that on 23.07.2020, 3 boys came on a motorcycle on the pretext of refueling and while he was refueling petrol, one of them took out a country-made pistol and threatened him to hand over all the money to them failing which he would be killed. Faced with the said

threat, the complainant handed over the amount which he was carrying, which was later on found to be Rs.15,000/-.

3. Learned counsel for the petitioner has submitted that although none has been named in the FIR, but during the course of investigation the names of three accused are stated to have been found out to be Akshay, Badal and Gurpreet. It is further alleged that one of the above named accused namely Akshay is alleged to have suffered disclosure statement to the effect that the petitioner had provided the country-made pistol to the accused so as to enable them to commit the offence in question. Learned counsel has submitted that he has falsely been implicated in the present case and that there is no evidence worth credence in the aforesaid matter.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has been specifically named by Akshay co-accused, who has disclosed that it is the petitioner who had supplied the country made pistol, no case for grant of regular bail is made out. Learned State counsel has however, informed that the petitioner has been behind bars since the last about 3 months.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case especially that the petitioner is not stated to be amongst the three persons who had looted an amount of Rs.15,000/- from the petrol pump and while also noticing that the petitioner has been behind bars since the last about 3 months, it will be debatable as to whether the petitioner was also involved along with co-accused and as to

whether the disclosure statement made by co-accused against the petitioner would carry any weight or not. 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.

7. It is, however, clarified that none of the observation made above shall be taken to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

01.12.2020

Vimal

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**