

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

**229**

**CRM-M-39623-2020 (O&M)**

Date of decision : 04.12.2020

**RAFIQ**

... Petitioner

Versus

**STATE OF HARYANA**

.. Respondent

**CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present:- Mr. Aman Pal, Advocate for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

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**Anupinder Singh Grewal, J. (Oral)**

The petitioner is seeking regular bail in FIR No.707 dated 02.08.2018, under Section 460 IPC (Sections 396, 323, 120-B IPC and Section 25 of the Arms Act, 1959 added later on), registered at Police Station Model Town, Panipat.

Learned counsel for the petitioner contends that no overt act has been attributed to the petitioner and he was alleged to be standing outside when the alleged dacoity was committed. He further contends that the complainant, who is the sole eye witness of the occurrence, in her deposition as PW-5, has not supported the prosecution case qua the involvement of the petitioner. The petitioner is in custody since his arrest on 22.09.2018 and is not involved in any other criminal case.

Learned State counsel, upon instructions from ASI Jagmhandler Singh, contends that 05 out of 17 prosecution witnesses have been examined.

She further contends that the petitioner is alleged to have participated in the

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occurrence and had carried out *recce* of the area prior to the commission of the offence. She, however, is not in a position to controvert the submissions of the counsel for the petitioner that the complainant, in her deposition, has not supported the prosecution case qua the involvement of the petitioner. She also contends that recovery of ₹20,000/- has also been effected from him.

Heard through video conferencing.

In view of the submissions of the learned counsel for the petitioner, especially when the petitioner is in custody for over 02 years, he is not involved in any other criminal case, the COVID-19 pandemic, and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)  
JUDGE

December 04, 2020  
sonia gugnani

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |