

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45877-2019

Date of Decision: 07.01.2020

Davinder Singh

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Arvind Thakur, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.507 dated 12.12.2018 under Sections 342, 392, 34 and 506 Indian Penal Code, 1860 and Sections 458 and 120-B/201 IPC added subsequently along with Section 25 Arms Act, 1959, registered at Police Station City Tohana, District Fatehabad. He is in custody since 20.02.2019.

The FIR was registered at the instance of Bhim Sain Gupta, wherein it has been alleged that on 11.12.2018, when he alongwith his wife were alone at their house in the evening, then two unknown persons entered their house. One of them, who had covered his face, was carrying a 'barcha' and the other was carrying a pistol and after throwing the complainant and his wife in the room, they demanded key of the almirah. When the complainant refused to hand over the key, they broke the locks of the room as well as almirah and took away an amount of ₹15.58 lacs from the bag alongwith two mobile phones and ran away from there.

Learned counsel for the petitioner contends that as per the

prosecution case, two assailants had entered the house of the victim and

committed the alleged crime. According to him, the two assailants, namely, Balraj @ Balbir and Ram Niwas @ Gyasu were arrested and on the disclosure statement of Balraj @ Balbir, the petitioner was indicted as a co-accused. He submits that two co-accused, who were arrested initially were the employees of the victim and the petitioner has no reason to associate with them in the alleged crime. It is pointed out that the said co-accused Balraj @ Balbir has already been released on regular bail vide order dated 11.07.2019 (Annexure P-4).

On the other hand, learned State counsel on instructions from HC Rajesh has opposed the prayer on the ground that the offences are serious. However, she fairly submits that the petitioner was indicted on the strength of disclosure statement suffered by Balraj @ Balbir, who has already been released on regular bail. She states that the challan was filed on 16.04.2019 and charges are yet to be framed.

After hearing learned counsel for the parties, this Court finds that further detention of the petitioner may not be justified as the co-accused, who named the petitioner, has already been released on regular bail. The trial of the case is yet to commence and, therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

07.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE