

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-46865-2019 (O&M)
Date of Decision:- 21.1.2020

Moti ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chanderhas Yadav, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Moti has approached this Court seeking grant of regular bail in a case registered vide FIR No.67, dated 11.4.2018, registered at Police Station Ateli, District Mohindergarh, under Sections 341, 392, 395, 342, 412, 201 IPC and Section 25 of Arms Act.
2. The FIR was registered at the instance of Diragpal Singh Chauhan wherein it has been alleged that he went off to sleep at his home on 11.4.2018 as usual and that at about 2 A.M. in the morning, four persons entered into his bedroom. Out of the said persons, one was carrying an iron rod and another pointed a pistol on his head and

demanding key of almirah. Upon refusal of the complainant to handover the key, they broke the almirah and took out the entire gold jewellery kept therein which weighed about 40 tolas and also took away cash amounting to ₹10 lakhs. It is further alleged that the said persons also took away another amount of ₹4 lakhs from the room of complainant's wife and also broke a safe lying outside the house. It is alleged that from the language used by the said persons, they appeared to be hailing from eastern Uttar Pradesh or Bihar and were aged between 20-35 years.

3. Learned counsel for the petitioner has submitted that he is not named in the FIR and is sought to be nominated as an accused on the basis of statement of co-accused namely Reshma who stated that she has sold the stolen jewellery to the petitioner.
4. The learned State counsel while opposing the petition has submitted that since one of the main accused namely Hari Ram had entrusted the stolen jewellery to his relative Reshma and she had made a disclosure statement that she has sold the gold jewellery at the shop of the petitioner and in fact one gold chain and gold ring belonging to the complainant had been recovered from the petitioner's shop, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court. Having regard to the facts and circumstances of the case and the fact that the petitioner has been behind bars since the last more than 8 months and challan already stands presented, further detention of the petitioner will not serve any useful purpose. The petition, as such, is

accepted and petitioner-Moti 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.

January 21, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No