

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

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**CRM-M NO. 54845 of 2019
Date of decision : 08.01.2020**

Gourav alias Shamsheer

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana
for respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 114 dated 18.06.2019 registered under Section 458 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Barauda, District Sonapat to which Sections 395, 397, 342, 412 of the IPC and Section 25 of the Arms Act, 1959 were added lateron.

The bail application has been opposed by learned State Counsel. However, no written reply has been filed by the State.

I have heard learned Counsel for the petitioner as well as learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case registered at the instance of complainant-Kirpal Dass, District Manager, HAFED, PEG

Godown Rukhi. Recovery of 130 bags was allegedly made from Balero and TATA Ace vehicles which belonged to the co-accused. Nothing was recovered from his possession. The petitioner is in custody since 20.06.2019. No useful purpose will be served by his further detention. The petitioner is ready to abide by the terms and conditions regarding appearance before the Court.

On the other hand, learned State Counsel has argued that the petitioner along with his co-accused committed dacoity and looted 130 bags of wheat and other material lying in the godown. Therefore the petitioner does not deserve the concession of regular bail.

However learned State Counsel has conceded that apart from alleged recovery of 130 bags allegedly made from Balero and TATA Ace vehicles which belong to the co-accused, no other recovery was made from the petitioner.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner and also the fact that trial is likely to take long time but without commenting on merits, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds by him to the satisfaction of the Trial Court/Chief Judicial Magistrate, Sonipat.

08.01.2020

Rajeev (rvs)

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No