

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

CRM-M-55360-2019 (O&M)

Date of Decision:-10.1.2020

Gordhan @ Gowardhan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered against him vide FIR No.67 dated 11.4.2018 under Sections 395/342/412/201/392 IPC and Section 25 of Arms Act at Police Station Ateli, District Mahendergarh, Haryana.
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 demanded 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 lacs. It is further alleged that the said persons also took away another amount of ₹ 4 lacs 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. The learned counsel for the petitioner has submitted that he is not named in the FIR and is sought to be nominated on the basis of some disclosure statement made by a co-accused, pursuant to which the petitioner was arrested and who is now alleged to have made some disclosure statement leading to recovery of some coins.
4. Opposing the petition, the learned State counsel has submitted that since the involvement of the petitioner is borne out from the disclosure statement made by a co-accused, he is not entitled for grant of bail.
5. I have considered the rival submissions addressed before this Court.
6. While the FIR was lodged on 11.4.2018, the present petitioner came to be arrested on 17.7.2019 pursuant to disclosure statement made by a co-accused, the veracity and admissibility of which is yet to be established during the course of trial. The petitioner, in any case, has been behind bars since the last more than 5 ½ months and challan already stands presented. In these circumstances, further detention of the petitioner, to my mind, will not serve any useful purpose as the petitioner is not even stated to be any habitual offender.

7. 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.

10.1.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No