

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

CRM-M-1397-2021

Date of Decision: 15.01.2021

Krishan @ Jas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. V.B.Godara, Advocate, for the petitioner.

Mr. Ramesh K. Ambavta, AAG, Haryana,
assisted by ASI Krishan Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.192 dated 14.08.2020 at Police Station City Ratia, District Fatehabad, under Sections 395, 397 IPC as well as under Sections 25, 54, 59 of the Arms Act.
2. The FIR in question was lodged at the instance of Harish Kumar @ Happy, wherein it is alleged that on 14.08.2020, when he was returning home after closing his shop, then at about 9.30 PM, 9 persons, who were riding on three motor-cycles came from behind and stopped his scooty. It is alleged that the said persons snatched his mobile phone make 'Vivo'; his wallet containing Rs.6500/- and other documents and also his gold chain forcibly and fled away from the spot.

3. It is further the case of the prosecution that on 23.08.2020, co-accused Malkiat Singh Buta @ Bhaini and Jasbir Singh @ Mammu were arrested and who suffered disclosure statements nominating Beant Singh @ Preet, Krishan @ Jas, Gagandeep @ Gaggi and Raj Kumar @ Gandasa as their accomplices. The petitioner Krishan is alleged to be armed with a wooden '*danda*'. Subsequently, the petitioner came to be arrested on 07.09.2020, when he was apprehended in connection with some other case i.e. FIR No.202 dated 22.08.2020 registered at Police Station Sadar Ratia, District Fatehabad, under Section 395 IPC.
4. Learned counsel for the petitioner has submitted that he was nowhere named in the FIR and has been nominated on the basis of disclosure statement, which would hardly carry any evidentiary value and as such, he deserves to be released on bail.
5. Opposing the petition, learned State counsel has submitted that although the petitioner is not named in the FIR, but his complicity in the entire incident is clearly evident from the fact that mobile phone belonging to the complainant was recovered from him. Learned State counsel has, however, informed that the petitioner is not involved in any other case and as on date has been behind bars since the last about 4 months.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the fact that the petitioner was nominated on the basis of disclosure statement and the fact that as on date he has been behind bars since the last about 4 months and is not even stated to be involved in any other case, further detention of the

petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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.

15.01.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**