

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

Sr. No. 234(2)

**CRM-M No. 11579 of 2021
Date of decision : 20.04.2021**

Dharmender Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Ajay Vijarania, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C.
for the grant of regular bail in FIR No. 56 dated 01.04.2018 under Section
395 IPC and 25/54/59 of the Arms Act, registered at Police Station Loharu,
district Bhiwani.

Briefly stated the case of the prosecution is that on 01.04.2018
a white colour Maruti Swift car came at the Samathwala Filling Station,
Surajgarh Road, Loharu in district Bhiwani, out of which two persons
alighted from the front side and three persons from the rear side. They all
were having muffled faces. One of them put a pistol at the temporal region of
the complainant and the second person put an iron rod on his abdomen. The
complainant was then pushed into the office, where the third person took
money from complainant's pocket along with keys of the almirah, which was
opened. LCD and DVR of CCTV camera were then removed and taken.
Rs.41,541/- in cash was also looted.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; he is in custody since 06.07.2018; the complainant while appearing before the Trial Court did not support the case of the prosecution; co-accused Naveen alias Jindal against whom there are similar allegations had approached this Court through CRM-M No.25876 of 2020 – Naveen @ Jindal Vs. State of Haryana and vide order dated 16.10.2020 has been granted regular bail and the petitioner's trial in which 18 prosecution witnesses still remain to be examined is likely to take long time to conclude.

Learned State counsel does not dispute the above factual position.

In view of the period of incarceration of the petitioner and because the complainant, while appearing before the Trial Court, has not supported the case of the prosecution as also for the reason that this Court has granted regular bail to similarly placed co-accused Naveen alias Jindal, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Bhiwani the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

20.04.2021*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No