

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-14707-2020 (O&M)****Date of Decision: 21.01.2021**

Sumit @ Nakloia

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Ms. Sheenu Sura, DAG, Haryana.

Mr. Vishal Goel, Advocate, for the complainant.

*(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.107 dated 27.03.2019 at Police Station Kharkhoda, District Sonipat, under Sections 379-B, 392, 397 IPC and Sections 25 of the Arms Act (Section 27 of the Arms Act added subsequently).
2. The FIR in question was lodged at the instance of Daya Shankar, wherein it is alleged that he is working as 'Munshi' at R.B.F. Brick Kiln since the last several years and that on 26.03.2019, the owner of the brick kiln had given an amount of Rs.1,20,000/- to him to be disbursed amongst the labourers, which he had kept in an almirah on the first floor. It is alleged that at about 11.00 PM, when he alongwith Vishnu were sleeping there, 3 boys armed with weapons entered the room and asked him to handover the money and due to

fear, he handed over the keys and the said boys took the amount of Rs.1,20,000/- from the almirah and also took away his phone as well as phone belonging to Sanjay Pal.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has falsely been nominated as an accused and that in fact when the complainant Daya Shankar as well as the eye-witness Vishnu stepped into the witness-box during the proceedings of trial, they did not support the case of the prosecution at all, as they did not identify the accused. Learned counsel, in this regard, has drawn the attention of this Court to the statements Annexures A-1 & A-2 annexed with CRM-308-2021 i.e. the application for preponement, which was dismissed on 13.01.2021.
4. Learned State counsel while opposing the petition has submitted that the petitioner had himself disclosed about the involvement in the instant case and thus, he does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 1 year and 4 months.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the star witnesses have not supported the case of the prosecution and also noticing the custody period of the petitioner, 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.

21.01.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**