

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

CRM-M No. 18635 of 2021
Date of Decision: 21.05.2021

Irfan

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Yashveer Kharb, Advocate,
for the petitioner.
Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.171 dated 16.05.2019 under Section 395 IPC and under Section 25 of Arms Act (Charges framed under Section 397 IPC and 25-54-59 of Arms Act) registered at Police Station Matlauda, District Panipat.

FIR was registered at the instance of complainant namely Sajjan Singh with the allegations that he used to keep his cattles in a bara. He used to stay in the fields to look after the animals along with his servant namely Sunil Kumar @ Kala. He has constructed separate rooms for their living. On 16.05.2019 at 2.30 AM, six persons came to the fields duly

armed with pistol and weapons. One of them pointed out pistol at the complainant and asked for money. They also inquired about number of persons present in the field. They tied the complainant and his servant Sunil Kumar and put them in a room. One boy duly armed with pistol stood as guard. Remaining persons took away the cattles after loading the same in some vehicle. The boy who stood as guard took away two batteries, inverter, two mobile phones and keys of the motorcycle of the complainant. He locked the room from outside. They also took away the motorcycle. In nutshell, the allegations are of dacoity by a gang of dacoits. Cattles from bara were looted on gun point by tying the complainant and his servant Sunil Kumar. Dacoits looted the cattles, batteries, inverter, mobile phone and motorcycle of the complainant. Petitioner was arrested in another case bearing FIR No.97 dated 23.05.2019 under Sections 398, 401 IPC and under Section 25 of Arms Act, Police Station Sanoli, District Panipat. He made a disclosure statement in the said FIR in respect of present occurrence.

Petitioner is in custody since 24.05.2019 and one country made pistol has been recovered from the petitioner. Infact, recoveries have been effected from Sadik @ Mota. CRM-M No.20011 of 2020 filed by Sadik @ Mota has been dismissed vide order dated 10.08.2020.

Learned counsel for the petitioner submits that the complainant Sajjan Singh and eye witness Sunil Kumar have not supported the case of the prosecution while appearing as PW3 and PW4 on 01.04.2021 and their cross-examinations have not yielded any incriminating material against the petitioner.

Learned State counsel opposed the bail, but he could not dispute the factual position of the case in view of recovery of one country made pistol from the petitioner and complainant and eye witness having not supported the case of the prosecution.

At this stage, keeping in view the custody of the petitioner, material witnesses having turned hostile, stage of the trial and the situation arising out of pandemic COVID-19, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

May 21, 2021

Jyoti Sharma

**(RAJ MOHAN SINGH)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No