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

**CRM-M No.22821 of 2021
Date of Decision: 14.10.2021**

RAHUL @ KACHHA

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Neeraj Shoeran, Advocate
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.54 dated 28.02.2021, registered under Sections 458, 379-B and 506 IPC and Section 25 of the Arms Act at Police Station, Asauda, District Jhajjar.

FIR was registered at the instance of complainant Sandeep with the allegations that he is employed at Chahra Toll Plaza, Jhajjar. On 28.02.2021 at 3.00 A.M., in the morning he was present in his cabin. Two unknown persons came to his cabin/room. One of them was armed with pistol and hit him with the butt of pistol and took an amount of Rs.2,000/- from his pocket. When the complainant resisted, the other person

threatened to kill him. On making hue and cry, Sachin (Shift Incharge) of the Toll Plaza reached at the spot and the aforesaid persons aimed the pistol at his chest and gave threats of dire consequences. When the other employees of the Toll Plaza got up, both the unknown persons fled away from the spot towards their car which was parked near the road. Two boys were also standing near the car and then all the four persons fled away from the spot.

Petitioner was allegedly identified by Sachin. Sachin also identified the person, who was armed with weapon as Gaurav @ Chakku and other person was identified as Paramveer @ Happy. The person standing near the car were identified as Rahul @ Kachha (petitioner) and Nittu.

Learned counsel for the petitioner submits that petitioner has not participated in the process of snatching any amount from the complainant nor he was armed with any weapon at the time of commission of offence. The alleged identification of the petitioner by Sachin from a distance would remain debatable. Petitioner is in custody since 28.02.2021 and is not involved in any other case.

On the other hand, learned State counsel on the strength of reply filed by way of affidavit of Rahul Dev, HPS, DSP, City Jhajjar, Distt. Jhajjar admits that the petitioner has no

antecedent behavior of criminal activity. Challan has already been submitted, but charges have not been framed so far.

Taking into consideration the totality of facts and circumstances and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail, without adverting to the merits of the case,

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

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

October 14, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No