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

**CRM-M No.23536 of 2021(O&M)
Date of Decision: 01.07.2021**

Islam @ Kala @ Iqbal

.....Petitioner

Vs

State of Haryana

.....Respondent

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

Present: Mr. Sanawar Ali, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, 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 registered under Section 395 IPC and Sections 25/54 of the Arms Act at Police Station Matlauda, District Panipat.

The FIR was registered at the instance of the complainant Sajjan Singh with the allegations that he used to keep his cattles in a bara in the fields and he himself used to stay in the fields to look after the animals along with his servant

namely Sunil Kumar @ Kala. 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 enquired about number of persons present in the field. They tied the complainant and his servant Sunil Kumar @ Kala 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.

Learned counsel for the petitioner submits that the complainant Sajjan Singh and eye witness Sunil Kumar @ Kala have not supported the case of the prosecution while appearing as PW3 and PW4 on 01.04.021 and their cross-examinations have not yielded any positive result against the petitioner and other accused. On the said premise, co-accused Irfan and Sadik @ Mota have been granted regular bail by this Court vide orders dated 21.05.2021 and 27.05.2021 passed in CRM-M No.18635 and 19352 of 2021 respectively.

Learned State counsel, however, admitted the factual position, but opposed the bail on the ground that the petitioner is involved in other cases also.

In view of the fact that the complainant and eye-witness have not supported the case of the prosecution 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 regular 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.

01.07.2021

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No