

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

222

CRM-M-26087-2021 (O&M)

Date of Decision: 29.10.2021

Virender @ Birender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. S.K.Yadav, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by Inspector Vinay Kumar.

(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 against him vide FIR No.43 dated 02.02.2021 at Police Station Kanina, District Mohindergarh, under Sections 148/149/323/379-B/427/447/506 IPC (Section 27/54/59 of the Arms Act added later on).
2. The FIR was lodged at the instance of Virender Singh son of late Jagpal Singh, wherein it is alleged that on 02.02.2021, when he was present at HP Petrol Pump alongwith his employee Hanuman at about 1:10 PM, then Munesh wife of Mahabir, her husband Mahabir, her sons Rahul and Raj Singh accompanied by 10/12 anti-social elements came there in a Pick-up vehicle and gave a blow with iron rod on his head and snatched his mobile phone and an amount of Rs.5,16,000/- from his office. It is further alleged

that the said persons also took away LED TV, bed, freeze, almirah, important documents, ATM card, Credit card, cheque books, 1200 oil pouches and gas cylinder while DVR and cameras were broken. It has further been stated therein that even on previous occasions, the complainant had submitted applications to the police in respect of similar incidents. It is alleged that now the accused had taken forcible possession of the Petrol Pump and have been threatening the complainant with dire consequences in case he approached the police.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated on the basis of a disclosure statement allegedly made by co-accused Mahabir, wherein he is alleged to have stated that the petitioner was his Personal Security Guard and was carrying a gun. Learned counsel has submitted that it is in fact a case regarding dispute over possession of the petrol pump and that all the members of the family of Mahabir have been arrayed as accused by name while other 10/12 persons are stated to be accompanying them. Learned counsel has submitted that no sanctity can be attached to the disclosure statement made by the co-accused in the absence of any other credible evidence and as such, the petitioner, who has been behind bars since the last about 9 months, deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has been specifically named by a co-accused,

his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 9 months and that he is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that while several accused are named in the FIR, the petitioner is not named therein and has been nominated subsequently on the basis of a disclosure statement made by the co-accused, the veracity and admissibility of which would be debatable. The petitioner, in any case, has been behind bars since the last about 9 months and is stated to be having a clean record. In these circumstances, 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.

29.10.2021

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**