

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-42767-2020 (O&M)

Date of Decision:-5.3.2021

Gurpreet Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhiraj Singh Baweja, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by ASI Narender 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 vide FIR No.374 dated 24.07.2020 at Police Station Sadar Thanesar, District Kurukshetra under Sections 392, 506 IPC and Section 25 of the Arms Act, wherein offences under Sections 398, 379-B, 34 IPC and Sections 27, 29, 54, 59 of Arms Act were added later on.
2. The FIR was lodged at the instance of Manoj Kumar, wherein it is alleged that he is employed at HP petrol pump and that on 23.07.2020, 3 boys came on a motorcycle on the pretext of refueling and while he was refueling

petrol, one of them took out a country-made pistol and threatened him to hand over all the money to them failing which he would be killed. Faced with the said threat, the complainant handed over the amount which he was carrying, which was later on found to be Rs.15,000/-.

3. Learned counsel for the petitioner has submitted that although none has been named in the FIR, but during the course of investigation the names of three accused are stated to have been found out to be Akshay, Badal and Gurpreet. It is further alleged that one of the above named accused namely Akshay had named the petitioner to have participated in the occurrence. Learned counsel has submitted that he has falsely been implicated in the present case and that there is no evidence worth credence in the aforesaid matter.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has been specifically named by Akshay co-accused to have participated in the occurrence, no case for grant of regular bail is made out. Learned State counsel has however, informed that the petitioner has been behind bars since the last 7 months and is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case especially that the petitioner is not stated to be amongst the three persons who had looted an amount of Rs.15,000/- from the petrol pump and while also noticing that the petitioner has been behind bars since the last 7 months, it will be debatable as to whether the petitioner was also involved along with co-accused and as to whether the disclosure statement made by co-accused against the petitioner would carry any weight or not. 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.

7. It is, however, clarified that none of the observation made above shall be taken to be an expression on merits of the main case.

5.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No