

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

CRM-M-47417-2021 (O&M)

Date of Decision:- 16.11.2021

Kuldeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kartar Singh Malik, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.221, dated 22.8.2021, Police Station Rohtak Civil Lines, District Rohtak, under Section 382, 34 IPC and Section 25 of Arms Act (Sections 392, 458, 379-B, 411, 120-B IPC added later on).
2. The FIR was lodged at the instance of Kapil Chawla, wherein it is alleged that on 21.8.2021 when he along with his wife was returning back home at about 11 pm, he saw that several persons had gathered in the street. When he entered his home, he saw that all the household articles were lying scattered. The complainant's daughter who was present at home disclosed that two persons had entered into

the house and threatened complainant's daughter while holding a gun and took away a bag containing ornaments, mobile phones and cash amount of Rs.1000/-.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and came to be nominated subsequently on the basis of disclosure statements allegedly made by co-accused Amit and Raman, the admissibility and veracity of which would be debatable. Learned counsel has further submitted that the petitioner is serving in Army and has been falsely implicated in the instant case.
4. Opposing the petition, learned State counsel has submitted that in the instant case the disclosure statement made by Amit and Raman was to the effect that the petitioner had disposed off and sold the stolen jewellery for an amount of Rs.1.92 lakhs and that after the petitioner was arrested, the said amount of Rs.1.92 lakhs was duly recovered from his house which would clearly establish the complicity of the petitioner. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about two and a half months and that challan already stands presented. It has also been informed that the petitioner is involved in one more case.
5. I have considered rival submissions addressed before this Court.
6. It is not disputed that the petitioner is nowhere named in the FIR and has been nominated on the basis of disclosure statement. Even as per the alleged disclosure statement, the petitioner is not stated to have himself committed the offence in question and is alleged to have conspired for the same and later sold of the stolen jewellery. In any

case the petitioner has been behind bars since the last about two and a half months and challan stands presented, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume 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.

16.11.2021
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No