

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

229

CRM-M-51649-2021

Date of Decision: 30.03.2022

Raman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ravinder Singh Dhull, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Ram Pal.

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.221 dated 22.08.2021 at Police Station Civil Lines, Rohtak, under Sections 34/382 IPC and Section 25 of the 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 21.08.2021 at about 11 pm, when he along with his wife was returning back home, 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 has later been nominated on the basis of an alleged secret information received by the police to the effect that it is the petitioner, who alongwith one Amit @ Ajay, had committed the offence in question. Learned counsel has further submitted that in the absence of any evidence to show as to how the said secret informer came to know about the identity of the petitioner, such like information would not carry any value.
4. Opposing the petition, learned State counsel has submitted that after the accused was arrested, he was duly identified by the complainant's daughter during the test identification parade. It has further been submitted that the recovery of an amount of Rs.23,000/- and the motor-cycle used in the commission of crime would nail the guilt of the petitioner. Learned State counsel has also submitted that co-accused Amit @ Ajay in his statement has also stated about the involvement of the petitioner. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 6 months and that although challan has been presented, but charges are yet to be framed and as many as 17 PWs have cited. It has also been informed that the petitioner happens to be involved in one more case registered under Section 285 IPC and Section 25 of the Arms
5. I have considered rival submissions addressed before this Court.

6. It is correct that the petitioner is not named in the FIR and has been nominated subsequently on the basis of some secret information stated to have been received by the police, which as per the case of the prosecution stands corroborated from the disclosure statement of co-accused Amit and also from the identification of the petitioner made during the course of test identification parade. However, without commenting anything as regards the merits of the case, this Court cannot lose sight of the fact that the petitioner has been behind bars since the last more than 6 months and that conclusion of trial is likely to consume time inasmuch as charges have not been framed so far and as many as 17 PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose. 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.

30.03.2022

Vimal

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