

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

**CRM-M-42037-2022**

**Date of Decision: 10.1.2023**

Dilnawaz @ Dil Nawaj

**....Petitioner**

**VERSUS**

State of Haryana

**....Respondent**

**CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Kuldip Singh Siwach, Advocate for  
Mr. Ashish Gupta, Advocate,  
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

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**KARAMJIT SINGH, J. (Oral)**

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.615 dated 24.11.2020 registered for the offences punishable under Sections 398, 307, 506, 120-B, 341 IPC and Section 25 of Arms Act at Police Station Gharaunda, District Karnal.

Counsel for the petitioner *inter alia* contends that FIR in this case was registered against unknown persons who as per prosecution case, trespassed into the jewellery shop of Parmod Kumar Arya with an intention to loot the jewellery from the said shop and they fired shots with an intention to kill the complainant but the same missed the target and in the meantime, the complainant attacked the said miscreants with wooden *danda* and then they sped away from there on a motorcycle. He further submits that during the investigation of the case, the police arrested co-accused Sandeep and Raman Singh and the motorcycle and the pistol were recovered from

them; that the petitioner was named as accused on the basis of the alleged disclosure made by aforesaid Sandeep and thereafter, the petitioner was arrested on 27.5.2021 and since then, he is languishing behind the bars. He further submits that no incriminating article was recovered at the instance of the petitioner during the investigation and after completion of investigation, the police presented the challan and charges are framed but no prosecution witness has been examined; that co-accused Raman Singh has been granted concession of regular bail by Coordinate Bench of this Court vide order dated 17.9.2021 passed in CRM-M-25103-2021. So, prayer is made that the petitioner be also granted benefit of regular bail pending trial.

Present petition is also resisted by the State counsel who on instructions from ASI Naveen submits that in all, 2 armed persons entered the shop of the complainant with an intention to loot him and they also fired shots but none sustained injuries and when confronted the miscreants, sped away from there. During the investigation, Sandeep and Raman Singh were arrested and on their disclosure, the present petitioner was arraigned as accused and is now in custody since 27.5.2021. State counsel has not disputed the fact that after conclusion of investigation, challan was presented and charges framed but till date, prosecution has failed to examine any witness.

I have considered the submissions made by the counsel for the parties.

FIR in this case was registered against unknown persons who made an attempt to loot the jewellery shop belonging to the complainant and at that time, the miscreants also fired shots but no one sustained injuries on account of the said firing. The petitioner was not named in the FIR and was

later on, named as accused on the basis of the disclosure made by co-accused Sandeep but no incriminating article was recovered from his possession and as per custody certificate furnished by the State counsel, the petitioner is behind the bars for the last more than 1 year and 7 months and as has been admitted by the State counsel, till date, no prosecution witness has been examined. Further, co-accused Raman Singh has already been given benefit of regular bail by this Court vide order dated 17.9.2021.

In view of above as the trial is not progressing ahead and the petitioner is in custody for the last more than 1 year and 7 months, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**( KARAMJIT SINGH )**  
**JUDGE**

**January 10, 2023**

Paritosh Kumar

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No