

218 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-47417-2022

Date of decision: 4th July, 2023

Manoj Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Om Parkash Dalal, Advocate for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This third petition is filed seeking regular bail in case of FIR No. 402, dated 17th August, 2020, under Sections 392, 458, 395, 397 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Surajkund, District Faridabad. Earlier petitions were not decided on merits.

2. The FIR was registered at the instance of complainant- Goldi. He alleged that on 16th August, 2020, four unknown persons entered in his house, one was armed with a pistol and they were having muffled faces. They inflicted injury to nephew of the complainant, took gold ornaments, two mobile phones, computer hard disc and while leaving they took alongwith the nephews of the complainant who was left at Lakewood City. During investigation Manjit @ Surda, Surrender @ Chango and Rajesh @ Nita were arrested and the looted articles were recovered. The name of the petitioner surfaced in the disclosure statement of co-accused Manjit.

3. Learned counsel for the petitioner submits that the petitioner was not named in the FIR, he was nominated on the basis of a disclosure statement and no recovery was made from him. It is further argued that the complainant has not identified the petitioner and he is not involved in any other case. The contention is that petitioner has falsely been implicated being relative of co-accused Manjit.

4. Learned State counsel opposes the prayer for grant of regular bail and submits that petitioner was specifically named by co-accused Manjit, his relative. He on instructions fairly submits that no recovery was made from the petitioner and he is not involved in any other case.

5. It is clarified that observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

6. Having conspectus of facts and considering that the name of the petitioner surfaced in a disclosure statement; no recovery was made from the petitioner, he has no criminal antecedents; he is in custody since 20th August, 2020 and that conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. Since the main case has been decided, pending application if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

4th July, 2023
Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No