

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

2025:PHHC:041496



(208)

CRM-M-16085-2024

Date of Decision: 26.03.2025

Sucha Singh

--Petitioner

Versus

State of Haryana

--Respondent

**CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.**

Present:- Mr. B.S. Bhalla, Advocate with  
Ms. Neha Dewan, Advocate for petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

Mr. Govind Chauhan, Advocate for the complainant.

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**MANJARI NEHRU KAUL.J (Oral)**

The petitioner is seeking the concession of regular bail, filed under Section 439 Cr.P.C, in case FIR No.319, dated 04.05.2023, under Sections 342, 34, 394, 506, 452 IPC and Sections 25, 54, 59 of Arms Act (Sections 395, 397 and 120-B IPC were added later on), registered at Police Station, Assandh, District Karnal.

2. Learned counsel for the petitioner submits that petitioner has been in custody since 25.05.2023. Out of the 33 prosecution witnesses cited, 13 have been examined, including the complainant and the two alleged eye witnesses i.e. his wife and brother. Given that 20 prosecution witnesses remain to be examined, there is no likelihood of the trial concluding in the near future. It is further contended that since all material witnesses have been examined, there is no apprehension of the petitioner tampering with evidence or influencing witnesses.

3. It is still further argued that as per the case of the prosecution, four accused forcibly entered the house of the complainant at night, committed dacoity and threatened the family of the complainant at gun point. However, even as per the version of the prosecution, the petitioner was not among those who participated in the alleged occurrence. The involvement of the petitioner is based on the disclosure statement of co-accused Wazir, who allegedly implicated the petitioner by stating that he conducted a recce of the house of the complainant and provided logistical support by informing the co-accused about the valuables stored inside. Counsel contends that no recovery of stolen articles, cash or jewelry has been made from the petitioner, which undermines the case of the prosecution, particularly regarding any motive for his alleged involvement.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant, while opposing the prayer and submissions made by the counsel opposite, by reiterating the allegations levelled in the FIR, which stands reproduced herein under:-

*“Copy of the complaint is as follow To the, Respected SHO Sir, Police station Assandh Subject: Regarding committing robbery and giving injuries at gunpoint. Sir, I request that J, Deepak son of Shri Roshan Lal Mehta, is resident of ward No. 8 am a resident of Assandh District Karnal. Today, on 03-04.05.2023, at night, me, my wife alongwith 3 children were sleeping in one room my mother was sleeping in the adjacent room and my brother Gaurav and his wife were sleeping in their room on the first floor of the house. On dated 04-05-2023, at around 2:30 in the morning. four masked persons broke open the gate of my house and entered my house, two of whom had weapons in their hands and other two had swords in their hands. As soon as they entered my room, they took the entire family sleeping on the ground floor*

*at gunpoint and started demanding money. When my mother woke up hearing the sound, they tied her hands and opened all the cupboards in the house and took out cash and jewellery amounting to Rs 5 lakh 80 thousand. When I started protesting, then they tried to shoot me but when pistol could not work, one of their cartridges fell on the spot. After that 2, people attacked my head with a sword due to which my head got badly injured. I called for protection. My brother Gaurav came down from the first floor and we both brothers altercated with the robbers. In the scuffle, the mask got removed from their face and they managed to escape from the spot with the looted items and while leaving they threatened us to kill. They left after threatening to kill. I will recognize them when I come in front of them. After checking the jewellery, I will give you the list. It is requested to you sir that the strictest legal action should be taken against them. Thank you very much. Date-04-05-2023 Applicant SD Deepak Deepak S/o Shri Roshan Lal Mahata Ward No. 8 Assandh District Karnal Mo 9896654273.”*

5. While conceding that the petitioner was not present at the scene of the crime during the incident, it is argued that the petitioner was a friend of the complainant and had knowledge of the valuables in the house. The petitioner allegedly assisted the co-accused by conducting a recce of the premises. It has been asserted that his involvement surfaced during the disclosure statement of co-accused Wazir, and there exists call records indicating communication between the petitioner and the co-accused around the time of incident. However, learned State counsel, on instructions, does not dispute that all three material witnesses have been examined and that 20 prosecution witnesses remained. Learned State counsel, on further instructions, has not disputed the custody period of the petitioner. When specifically queried, learned State counsel, on instructions conceded that no stolen articles were recovered from the petitioner except for a motorcycle

allegedly used for carrying out recce.

6. I have heard learned counsel for the parties and examined the material on record.

7. The petitioner has been in custody since 25.05.2023. 13 prosecution witnesses, including all material witnesses, have been examined. The trial is unlikely to conclude in the near future. The petitioner has been implicated with the aid of Section 120-B IPC, and there is no allegation of his physical presence at the scene of the crime. Additionally, the absence of any recovery of stolen articles from the petitioner is also a relevant factor.

8. In view of the role attributed to the petitioner, stage of trial and the circumstances of the case, this Court finds it appropriate to admit the petitioner to bail.

9. In view of the facts and circumstances enumerated herein above, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**26.03.2025**

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