

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

CRM-M-28810-2017

Date of decision:- 27.11.2017

Vijay and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Ivneet Singh Pabla, Advocate
for the petitioners.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J. (Oral)

This petition has been filed for the grant of regular bail to the petitioners – Vijay and Ajay, accused in FIR No.125 dated 17.3.2017, under Section 379-A IPC, registered at Police Station Shahabad, District Kurukshetra, who were arrested on 23.6.2017.

Briefly stated, the prosecution version is that the accused had snatched bag of the complainant, which contained mobile phone, Rs.10,000/- and key of her house. After being arrested, the accused were challaned. The petitioners – accused had moved an application for regular bail in Court of Sessions at Kurukshetra but were unsuccessful and the same was dismissed vide order dated 31.7.2017 passed by learned

Additional Sessions Judge, Kurukshetra. As such, they have approached this Court carving for similar relief.

Notice of the petition was given to the State and State counsel has put in appearance.

I have heard learned counsel for the petitioners and learned State counsel besides going through the record.

Learned counsel for the petitioners has contended that complainant Kiran, the only eye-witness of the incident has not supported the prosecution story during the trial and he was declared hostile witness. He has placed on file certified copy of her statement recorded on 9.11.2017. As regards the other criminal cases registered against the petitioners, learned counsel for the petitioners has submitted copy of judgment passed by learned Additional Sessions Judge, Kurukshetra in FIR No.86 dated 21.2.2017, Police Station Shahabad directing acquittal of the accused in that case and in another case according to him, the eye-witnesses have not supported the case of the prosecution.

The conclusion of the trial is likely to take some time and no useful purpose shall be served by detaining the petitioners behind bars.

Under the circumstances, without expressing any opinion on the merits of the case, I find it proper and appropriate, if concession of regular bail is granted to the petitioners.

Accordingly, the petition is allowed. The petitioners be admitted to bail during the pendency of the trial, subject to their furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Kurukshetra, subject to the following conditions:

(i) They shall appear in the Court on each and every date of hearing.

(ii) They shall not give any threat or intimidation to the prosecution witnesses.

(iii) They shall not leave India without prior permission of the Court.

However, to address the apprehensions expressed by learned State counsel that petitioner may not abscond or tamper with the prosecution evidence, it is directed that the trial Court/Chief Judicial Magistrate, Kurukshetra would make the petitioners surrender their passports, if it has not got done by the investigating agency earlier.

In addition to that the trial Court may impose any term and condition found suitable.

In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

27.11.2017
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No