

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

**Criminal Misc. No. M-16885 of 2018 (O&M)
Date of decision: 09.08.2018**

Vinod Kumar

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Dharamveer Phour, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana
for the respondent -State.

Daya Chaudhary, J. (Oral)

Petitioner-Vinod Kumar has approached this Court by way of filing the present petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.1084 dated 26.11.2016 registered under Sections 379-A, 392, 201 read with Section 34 IPC at Police Station City Jind.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case and there was an unexplained delay of nine days in lodging of the FIR. Learned counsel further submits that co-accused of the petitioner, namely, Sonu, against whom same allegations are there, has been released on regular bail by the trial Court. The petitioner is in custody since 23.04.2017 and out of total 13 witnesses, six have been examined. Even the complainant has also been examined. Learned counsel also submits that the complainant himself has stated in his statement recorded before the trial Court that accused-Sonu was sitting on the passenger seat and accused-Vinod was occupant of driver seat. Accused-

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Sonu forcibly snatched his bag having amount of ₹7 lakhs. Petitioner-Vinod threatened the complainant to face dire consequences. The trial may take sufficient long time to conclude and no purpose would be served by keeping him behind the bars.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that one more case is also pending against the petitioner whereas learned counsel for the petitioner submits that the petitioner has been acquitted from the charges and as on date, there is no other case pending against the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Admittedly, co-accused of the petitioner, namely, Sonu, against whom same allegations are there, has been released on regular bail by the trial Court and case of the petitioner was dismissed. The petitioner is also entitled for bail on the basis of parity and without taking into consideration this fact, the bail application filed by the petitioner was dismissed by the same judicial officer and no reasoning whatsoever has been given to the effect that as to how the case of the petitioner is different from his co-accused Sonu. Order has been passed without taking into consideration the statement of the complainant whereas specific allegations are there against co-accused Sonu also. The petitioner is in custody since 23.04.2017. Out of total 13 witnesses, six have been examined and the trial may take time to conclude. No purpose would be served by keeping the petitioner in custody.

Accordingly, the present petition is allowed and the petitioner

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(Vinod Kumar) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

09.08.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No