

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

CRM-M-48313-2018 (O&M)

Date of Decision:-10.12.2018

Subodh Sahani

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Shiv Kumar, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No.166 dated 14.3.2018 at Police Station Suraj Kund, District Faridabad, Haryana under Section 379-B of Indian Penal Code, 1860.

The FIR was registered at the instance of Pintu Soni, who has alleged that on the day of occurrence, he was attacked by four boys and while one of the boy hit him on his shoulder with a 'stick' the second caught hold of him and the remaining two boys snatched his mobile phone and ₹5,500/- from his purse. It is further alleged that as a result of the receipt of 'danda' blow he had fractured his shoulder.

The learned counsel for the petitioner has submitted that the petitioner has not been named in the FIR and has falsely been implicated in the present case and that even as per the case of prosecution, the alleged 'danda' blow is attributed to co-accused Deepak @ Deepu.

On the other hand, the learned State counsel, while opposing the petition, has submitted that in view of the serious nature of allegations,

no case for grant of bail is made out. It has been informed that the mobile phone was recovered from co-accused Vikas @ Vicky and that while the challan has already been presented, no prosecution witness has been examined so far.

Having considered the rival submissions addressed before this Court and bearing in mind the fact that the petitioner has been behind bars since the last about 5 months and not even a single PW has been examined till date, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted. The petitioner Subodh Sahani is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This petition stands accepted accordingly.

10.12.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No