

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6662-2018
Date of decision: 26.02.2018

Sandeep @ Sippu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sunil Saharan, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.235 dated 02.11.2016 under Sections 285, 392, 412, 120-B IPC and Section 25 of Arms Act, registered at Police Station Siwani, District Bhiwani.

Learned counsel for the petitioner submits that the petitioner is in judicial lockup since 16.12.2016 and has undergone 01 year, 02 months and 09 days of actual sentence during the trial. Counsel for the petitioner has placed on record certified copy of the statement of PW1 Satish Kumar, owner of the petrol pump, where the alleged occurrence took place and this witness has stated that accused present in the Court are not the same persons who robbed the petrol pump. Later on, this witness was declared a hostile witness by the Public Prosecutor. Similarly, PW2 Bhagwan Dass, another owner of the petrol pump, did not identify the accused persons and he was also declared hostile. PW3 Krishan, Salesman at the Petrol Pump, has also stated that accused are not

the same persons who have snatched the cash amount from the petrol pump on 02.11.2016 at gun point from them. Later on this witness was also declared a hostile witness. PW4 Anil, a student, who was stated to be an eye-witness, has also failed to identify the accused and this witness was also declared a hostile witness. PW5 Kuldeep and PW6 Suresh, other Salesmen also deposed on the same line and they were declared hostile witnesses. Similarly, PW7 Vinod, a student, who was stated to be another eye-witness was also declared hostile witness, as he failed to identify the accused persons.

In reply, learned State counsel has filed the custody certificate and as per the custody certificate, actual sentence undergone by the petitioner is not disputed, however, on instructions from ASI Rajpal, has submitted that the petitioner is facing trial in three other cases and has undergone the sentence in one case.

Without commenting on merits of the case, considering the fact that all the complainants/witnesses have failed to identify the petitioner and they have been declared hostile by the Public Prosecutor, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

26.02.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No