

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

**CRM-M No.1403 of 2019
Decided on: 01.02.2019**

Balram

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Amardeep Sheoran, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this second petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.62 dated 05.04.2018, for offence punishable under Sections 395, 397 of the Indian Penal Code (in short 'IPC'), 25 of the Arms Act, registered at Police Station Kasola, District Rewari.

The first petition was dismissed as withdrawn on 02.11.2018.

Counsel for the petitioner has submitted that now the prosecution evidence is over, therefore, in view of the changed circumstances, he has filed the present petition.

Counsel for the petitioner has submitted that as per the allegations in the FIR, on 04.04.2018, Fateh Singh along with his brother, after loading the truck with cigarettes of M/s. God Frey Phillips(I) Limited, Ghaziabad, proceeded for Jaipur and on they way,

6-7 persons stopped the truck and by causing injuries, they have taken a sum of Rs.30,000/-. It is further submitted that the petitioner is in judicial custody since 05.04.2018 and the entire prosecution evidence has been concluded and as per the statement of the complainant/PW1 – Fateh Singh, he has not identified the petitioner and has stated that his statement was not recorded regarding identification of the accused and they were not shown to him by the police and he was later on, declared as hostile. Even, the co-driver of the truck i.e. PW2 – Rajinder was also declared as hostile and he also did not identify the assailant/petitioner.

Without commenting anything on merits of the case, considering the fact that both the eye-witnesses i.e. PW1 and PW2 were declared as hostile; the prosecution evidence has been concluded; the petitioner is in custody since 05.04.2018 and the conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

01.02.2019

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No