

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2272-2019

Date of decision-07.03.2019

Ankit

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rakesh Kumar, Advocate and
Mr. Man Mohit Malik, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner-Ankit has preferred this petition for grant of regular bail in case FIR No.451 dated 26.09.2018 under Sections 395, 397 and 379-B read with Section 34 of Indian Penal Code registered at Police Station Rai, Distirct Sonipat. The petitioner is in custody since his arrest on 26.09.2018.

Prem Chand got recorded the FIR in question, wherein it was alleged that on 25.09.2018 when he was coming from factory No.1394 HSIDC Rai to Delhi after loading pickles in his three wheeler bearing No.DL-1LJ-6946, around 11.30, a car bearing No.HR-38-U-8498 intercepted and stopped his vehicle. Four persons alighted out of it who were armed with country made pistols and knives and they snatched Rs.2,000/- and mobile phone from him.

Learned counsel for the petitioner contends that after commencement of trial, the complainant, namely, Prem Chand already

stands examined who has not supported the case of the prosecution. The witness has further stated before the Court that accused present in the Court are not the same persons and resultantly, the witness was declared hostile. It is further pointed out that the other two co-accused have been granted concession of regular bail by the trial Court on the ground that complainant turned hostile.

On the other hand learned counsel for the State assisted by HC Yash Pal has opposed the bail on the ground that country made pistol and Rs.400/- in cash was recovered from petitioner. It is further contended that mobile phone of the complainant was recovered from Sunil. However, it is not disputed that two of the co-accused have been granted concession of regular bail. It is further conceded that there is no other case against the petitioner much less of the similar nature.

Considering the above facts, stage of the trial which is likely to consume more time as six witnesses remain to be examined, further detention of the petitioner may not be justified. Therefore, without meaning any expression on the merits of the case petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

07.03.2019

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No