

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-6288-2019 (O&M)

Date of Decision:-14.2.2019

Dharam Raj @ Dharma

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Neeraj Sheoran, 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.232 dated 5.5.2016 at Police Station Gharaunda, District Karnal under Sections 392 and 397 of Indian Penal Code, 1860 and Sections 25/54/59 of Arms Act, 1959.

The FIR was registered at the instance of Sohan Lal wherein it has been alleged that 2 boys had snatched his motorcycle bearing registration No.HR-05-AF-3439 at gunpoint near railway crossing Shekhpura Road.

The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact the complainant while in the witness box has resiled and has not identified the petitioner to be the person who had snatched the motorcycle. The learned counsel for the

petitioner, in this context, has drawn the attention of this Court to the statement of PW-1 Sohan Lal annexed with the petition as Annexure PW-3.

The learned State counsel has, however, opposed the petition and has submitted that since the recovery had been effected from the petitioner, therefore, the complicity of the petitioner is evident.

Having considered the rival submissions addressed before this Court and bearing in mind the petitioner has been behind bars since the last one year and the complainant has not supported the case of the prosecution, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Dharam Raj @ Dharma 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 present petition stands accepted accordingly.

14.2.2019

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No