

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

CRM-M-7643-2019 (O&M)

Date of Decision:-25.2.2019

Ankit @ Kala Rajat

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashik Ali, Advocate for the petitioner.

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

GURVINDER SINGH GILL, J. (Oral)

Petitioner seeks grant of regular bail in a case registered vide FIR No.187 dated 16.4.2017 under Section 392 of IPC and under Section 25 of Arms Act at Police Station City Yamuna Nagar, District Yamuna Nagar.

The FIR was lodged at the instance of Sumit Kumar wherein it has been alleged that he is working as an Assistant Manager in Metro Shoes, Gobindpuri Road, Yamuna Nagar and that on the day of occurrence, two persons entered his shop and while brandishing a pistol snatched ₹ 1,25,000/- from the drawer and ran away from the spot.

The learned counsel for the petitioner has submitted that he is not named in the FIR and that in fact during the course of trial when the complainant - Sumit Kumar stepped into the witness box, he did not identify the petitioner to be the accused. The learned counsel, in this context, has

today shown a photocopy of statement of PW-1 Sumit Kumar. To a similar effect are the statements of PW-Rajesh Sharma and PW-Manoj Kumar.

Opposing the petition, the learned State counsel has submitted that the petitioner who was arrested in another case had suffered a disclosure statement regarding his involvement in the present case and that the petitioner is a habitual offender and as such, does not deserve the concession of bail.

Having considered the rival submissions addressed before this Court and while bearing in mind the fact that the petitioner has been behind bars since the last more than 9 months and that the material eye-witnesses including the complainant have not supported the case of prosecution, in my opinion, no useful purpose will be served by further detaining the petitioner behind bars. The petition, as such, is accepted. The petitioner Ankit @ Kala 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.

25.2.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No