

**214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-12125-2019
Date of decision-23.05.2019**

Vishal @ Vishu

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Sharmila Sharma, Advocate for the petitioner.
Mr. Sukhdeep Parmar, DAG, Haryana assisted by
ASI Satyanarin.

MANOJ BAJAJ, J.

Petitioner-Vishal @ Vishu has prayed for grant of regular bail in case FIR No.83 dated 25.03.2018 under Section 379-B of Indian Penal Code (Sections 392, 397 and 411 IPC added later on) registered at Police Station Civil Line, Sonipat. The petitioner is in custody since his arrest on 16.07.2018.

The FIR was registered on the statement of complainant, namely, Deepak Kumar with the allegations that when he and his friend were sitting in the car, then four unknown persons came and opened the door of car and fired. They snatched i phone-6 of the complainant and gave beatings to both of them. After beatings, they took away the car of the complainant.

Learned counsel for the petitioner contends that the petitioner was indicted on the basis of disclosure suffered by the petitioner in case FIR No.394 dated 15.07.2018 under Sections 398, 401, 307 IPC and Sections 25, 54 and 59 of Arms Act was registered at Police Station Sonipat. It is further

contended that as per the version given in the FIR, injuries were suffered by two victims, namely, Deepak and Abhishek. According to her, there is no evidence with the prosecution to establish the injuries suffered by the said victims. She has further contended that one of the victims, namely, Abhishek has not supported the prosecution case. According to her, further custody of the petitioner may not be justified when the material witnesses have already been examined.

On the other hand, learned State counsel assisted by ASI Satyanarin opposed the prayer on the ground that one of the victims, namely, Deepak (complainant) has supported the prosecution case and identified the petitioner. However, it is not disputed that petitioner was already in custody in case FIR No.394 dated 15.07.2018 when he suffered the disclosure in respect of the present occurrence. He further submits that in the other two cases, the petitioner is on bail.

Considering the above and the fact that the material witnesses have been examined, this Court is of the opinion that further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Sonipat.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

23.05.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No