

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

CRM-M No. 12545 of 2019

Date of decision : 26.03.2019

Ashok

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

This is the second petition filed by petitioner Ashok under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.229 dated 04.10.2018 under Sections 379-A, 34 of the Indian Penal Code, 1860, registered at Police Station – Loharu, Distt. Bhiwani, during pendency of the trial.

The earlier petition filed by the petitioner was dismissed as withdrawn as charges were not framed at that time. Now the charges have been framed and even the statement of the complainant has also been recorded.

Learned counsel for the petitioner submits that the petitioner is in custody since 05.10.2018. The complainant has been examined and he has not supported the case of the prosecution. He has specifically stated in his statement that he does not know the registration number of the vehicle on which the assailants came and even he does not know the name and

address of the assailants. It has also been stated by him in his statement that the persons present in the Court were not the same assailants who put some powder on his face and had taken away his golden ring. It has also been stated that no such complaint was moved by him before the police.

Learned State counsel has not disputed the custody period undergone by the petitioner as well as recording statement of the complainant. However, he has opposed grant of bail to the petitioner on the ground that the ring was identified by the complainant and it cannot be said that the complainant has totally not supported the case of the prosecution. The statement of the complainant can be relied upon as half of the statement is true.

Heard arguments of learned counsel for the parties and have also gone through the contents of the FIR and other documents available on record.

By considering the custody period of petitioner since 05.10.2018 and also the fact that statement of complainant has been recorded who has not supported the case of the prosecution; there is no other case of similar nature against the petitioner, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

26.03.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No