

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

**CRM-M No. 14129 of 2019
Date of Decision:-03.05.2019**

Rahis

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Rajeev Kumar Sharma
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.197 dated 28.10.2017, under Sections 328 and 379-A read with Section 34 IPC, registered at Police Station Sanoli, District Panipat, during pendency of the trial. The petitioner is in custody since his arrest on 01.11.2017.

The FIR was registered on the statement of complainant Deepak s/o Mohan Lal that on 17.10.2017 at about 9.30 a.m. when he was standing in the vegetable market alongwith green colour rikshaw, which was taken on rent, bearing Temporary No.HR99AH9683. Petitioner alongwith his co-accused hired his rikshaw and on the way they took two beers and one frooty drink. When they reached near Chhajpur Ganda Nala,

they told him that they will take beer and he should take frooty. After consuming frooty, he became unconscious and when he regained consciousness at about 6.00 pm, his mobile phone bearing No.9996060334 and Rs.2,000/- were missing.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the case, who is in custody since 01.11.2017. He further contends that the charges in the case have been framed and the statements of material witnesses have been recorded.

Learned State counsel has apprised the Court that the petitioner and his co-accused made disclosure statements in another FIR No.198 dated 30.10.2017, under Sections 399 and 402 IPC and Section 25 of the Arms Act that they had robbed mobile phone, Rs.2000/- and e-rickshaw from the complainant. It is further submitted that challan in the case has been presented against the petitioner. However, it is not disputed by learned State counsel that the complainant has been examined in the case and remaining witnesses are the official witnesses.

At this stage, learned counsel for the petitioner contends that since the other witnesses are official witnesses and therefore there is no possibility of their being won over. The trial is likely to take some time and no useful purpose would be served in keeping the petitioner behind the bars.

Considering the custodial period of the petitioner and the status of the case, further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the

case, petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

May 03, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No