

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

209

CRM-M-16700-2019 (O & M)
Date of Decision:21.08.2019

Nitin Sharma @ Pintu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shiv Kumar, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.45 dated 01.02.2019, under Sections 34 and 392 IPC (Section 120-B IPC added later on), registered at Police Station Saran, District Faridabad.

The prosecution case is that on 1.2.2019 when ASI Ram Babu was on patrolling duty, complainant Lokpal Singh approached him and moved a written application alleging that he is resident of House No.3587, Gali No.119, Parvatiya Colony, Faridabad. He had gone to Delhi for some work and when he returned, his wife told him that at about 2.00 PM on 01.02.2019 an unknown person came to their house and knocked at the gate. The person asked about Lokpal Singh and subsequently asked for his mobile number. His wife opened the gate and as she went inside, the said person along with two other persons transgressed into their house and caught hold of her. They tied her hands and legs and put a tape on her

mouth. They removed the gold chain and her ornaments in the form of Kundals, Pajeb and also removed other valuables in the form of gold necklace, eight rings weighing 48 grams, Jhumkis, ear-rings, silver ornaments weighing 600 grams and cash to the extent of 60,000/- and they also removed two SIM cards.

Learned counsel for the petitioner contends that the material witness i.e. victim has been examined, who has not supported the prosecution case. It is pointed out that the petitioner is in custody since 17.02.2019 and further custody of the petitioner may not be justified as the remaining witnesses are the official witnesses.

On the other hand, learned State counsel assisted by ASI Mahesh Kumar has opposed the bail application. However, it is not disputed that prosecution had examined 4 witnesses including the complainant. According to him, 11 witnesses still remain to be examined.

Considering the above background and the fact that the trial is likely to take some time, 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 concerned.

The petition is allowed.

21.08.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No