

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-17276-2019 (O&M)

Date of Decision:- 21.5.2019

Sahil Kumar alias Sonu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gautam Diwan, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No. 260 dated 24.11.2018 at Police Station Bhattu Kalan, District Fatehabad under Section 392/34 of Indian Penal Code.
2. The FIR was registered at the instance of Vinod Kumar wherein it has been alleged that on 23.11.2018 when he was going from his medical store to his village, then two boys came on a motorcycle at a high speed and stopped their motorcycle in front of the motorcycle of the complainant. It is alleged that the persons sitting on the rear seat had muffled his face with a black coloured cloth and was having an iron

rod in his hand and who threw the complainant down from the motorcycle and snatched his motorcycle and ran away.

3. Learned counsel for the petitioner has submitted that during the course of trial, the statement of complainant Vinod Kumar has been recorded but he has not supported the case of prosecution and was declared hostile.
4. Opposing the petition, learned State counsel has submitted that since only 3 witnesses remained to be examined and that recovery of the motorcycle had been effected from the present petitioner, no case for grant of bail is made out.
5. Having heard 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 5 months and that complainant Vinod Kumar while appearing in witness box has resiled from his statement, to my mind no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted. Petitioner Sahil Kumar alias Sonu 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.
6. This present petition stands accepted accordingly.

May 21, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No