

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

CRM-M-18733-2019 (O&M)
Date of Decision:- 2.5.2019

Virender and another ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sumeet Puri, Advocate, for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners seek grant of regular bail in respect of a case registered vide FIR No.190 dated 23.7.2018 at Police Station Julana, District Jind under Section 395 of Indian Penal Code, 1860.
2. The FIR was lodged at the instance of Vikram, wherein he has alleged that he is working as a driver with truck bearing registration No. HR-46-C-9738. It is alleged that on 21.7.2018, when he was returning from Ludhiana alongwith his loaded truck and reached near Gautmi Nagar on way to Rohtak, then at about 12:00 midnight, a white coloured car came from behind and obstructed his path. It is alleged that 5-6 persons came out of the said car and snatched his truck and ran away with the truck alongwith the material loaded in it.

3. The learned counsel for the petitioners has submitted that the petitioner have falsely been implicated in the present case and that the falsity would be evident from the fact that the complainant Vikram, while in the witness box, has not identified the petitioners to be the accused.
4. Opposing the petition, the learned counsel representing the State has submitted that infact it is a case where the complainant has been won over obviously on account of some extraneous considerations.
5. Having considered rival submissions addressed before this Court and bearing in mind the fact that the petitioners have been behind bars since 24.9.2018 and till date only one out of the 16 cited prosecution witnesses has been examined and also that the complainant has resiled and has not identified the petitioners to be the accused, in my opinion, no useful purpose would be served by further detaining the petitioners behind bars. The petition, as such, is accepted and the petitioners Virender and Naveen are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
6. The present petition stands accepted accordingly.

May 2, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No