

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

CRM-M No.24321 of 2019 (O&M)

Decided on: 17.12.2019

Sonu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Gaurav Singla, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.838 dated 24.10.2018, for offence punishable under Sections 395, 397 of the Indian Penal Code, 1860 (in short 'IPC'), registered at Police Station Sadar Palwal, District Palwal.

Counsel for the petitioner has argued that the petitioner is in custody for the last 01 year, 01 month and 11 days and he is not involved in any other case.

Counsel for the petitioner has placed on record the certified copy of the statement of the complainant/victim PW2 – Ram Narayan, who while deposing in the trial Court has identified 02 of the co-accused namely Sandeep and Rakesh and the petitioner was not identified as a person, who was in the incident of looting his truck, which was loaded with goods. This witness was declared hostile and on

a specific query put by the Public Prosecutor, regarding the identification of the accused – Om Parkash and Sonu, he has denied that he is intentionally not identifying them.

Counsel for the State has filed the Custody Certificate today in the Court and on instructions from SI Mahesh Kumar, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 01 month and 11 days; challan stands presented; the custodial interrogation of the petitioner is not required and also in view of the fact that the petitioner has not been identified by the victim and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

17.12.2019
yakub

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No