

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

CRM-M-54227-2018 (O&M)

Date of Decision:-20.2.2019

Joni

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vijay Kumar Sheoran, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.

Petitioner seeks grant of regular bail in a case registered vide FIR No.564 dated 11.8.2018 under Sections 379-A, 34 IPC at Police Station Sadar, District Bhiwani.

The FIR was registered at the instance of Mukhtiar wherein it has been alleged that on the day of occurrence, two boys who had come on a scooty approached him to get some “wall-putty” work done and accordingly, he along with his companion Dildar accompanied the said boys on their motorcycle. It is alleged that while on the way, the complainant sat on the pillion seat of the scooty and the said boys stopped their scooty and gave slaps to him and took away his wallet which contained cash amount of ₹ 5,000/-, his aadhar Card, his R.C. and insurance of motorcylce and also snatched his mobile phone and thereafter fled away from the spot.

The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and is not named in the FIR and

has been implicated on the basis of a disclosure statement allegedly made on 22.9.2018 by the petitioner, while in custody in connection with another case. The learned counsel for the petitioner has further submitted that only recovery allegedly made is of ₹ 1500/- and of a mobile phone whereas there is no evidence/any receipt etc. to show that the mobile phone actually belongs to the complainant.

The learned state counsel has submitted that since mobile phone of the complainant was also recovered, no case for grant of bail is made out.

Having regard to the facts and circumstances of the case and while bearing in mind the fact that the petitioner has been nominated as an accused solely on the basis of his own disclosure statement, the evidentiary value and veracity of which is to be assessed during the course of trial, in my opinion, no useful purpose will be served by further detaining the petitioner behind bars. The petition, as such, is accepted. The petitioner Joni 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.

This present petition stands accepted accordingly.

20.2.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No