

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

CRM-M-25246-2019

Date of decision:04.06.2019

Amit @ Lala

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Saini, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.235 dated 10.10.2018 under Sections 392, 395, 34 of the Indian Penal Code and Section 25 of Arms Act, Police Station Loharu, District Bhiwani.
2. The FIR was registered at the instance of Amit Bhutani wherein it has been stated that he is running a petrol pump under the name and style of Ridhi Sidhi Petrol Pump. It is alleged that on 10.10.2018 three motorcycles borne riders came to his petrol pump. The registration number of the motorcycle has been disclosed as HR-18-C-2368. It is alleged that two pillion riders alighted from the

motorcycle and entered into the office of petrol pump and after brandishing a pistol snatched an amount of ₹9,700/- forcibly and thereafter sped away along with motorcycle.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and that in fact during the course of trial, the complainant Amit Bhutani absolutely resiled. Learned counsel has further submitted that even the eye-witnesses namely PW-2 Jitender and PW-3 Krishan Kumar have not supported the case of prosecution and in these circumstances the petitioner deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that the petitioner came to be nominated on the basis of CCTV footage and that in these circumstances the resiling of the witnesses would be rendered immaterial.
5. Having considered rival contentions addressed before this Court and perusal of the statements of the complainant as well as of eye-witnesses annexed with the petition as PW-2, PW-3, PW-4 shows that the witnesses have not identified the accused. Further PW-1, Amit Bhutani, complainant has specifically stated that he had not handed over pen drive containing alleged CCTV footage to the Police. The petitioner in any case is stated to be in custody since last 6 months. Having regard to the aforesaid factual position and bearing in mind the custody period, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars as conclusion of trial, in its normal course, is likely to take

some time. The petition, as such, is accepted and it is ordered that petitioner 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. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

04.06.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No