

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

CRM-M-30705-2019 (O&M)
Date of Decision:- 25.7.2019

Vishal Kumar @ Shelly and another ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parminder Singh, Advocate, for the petitioners.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.608 dated 15.12.2018 registered at Police Station Baldev Nagar, District Ambala, under Section 379-B IPC.
2. The FIR was lodged at the instance of Raghunandan Tanti, wherein it has been alleged that on the day of occurrence three young boys attacked him and that while one of them gave a fist blow on his

mouth another one caught hold of him and yet another took out his mobile and money from his pocket.

3. Learned counsel for the petitioners has submitted that they are not named in the FIR and that in fact after the challan has been presented, the complainant i.e. PW-1 Raghunandan Tanti, while appearing in the witness box did not identify the accused to be the persons who had caught hold of him and snatched his mobile and cash. Learned counsel in this context has referred to the said statement annexed as Annexure P-2.
4. Learned State counsel has not denied the fact that the complainant has resiled from his statement.
5. In view of the aforestated position, in my opinion, further detention of the petitioners would not serve and useful purpose. The present petition, as such, is accepted and petitioners Vishal Kumar @ Shelly and Karan Gill are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
6. The petition stands accepted accordingly.

July 25, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No