

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

**CRM-M No.38511 of 2019 (O&M)
Decided on: 10.12.2019**

Manoj		Petitioner
	Versus	
State of Haryana		Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vikas Gulia, 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.225 dated 25.06.2018, for offence punishable under Sections 379-B of the Indian Penal Code, 1860 (in short 'IPC') (Sections 395, 397 IPC added later and Section 379-B IPC stands deleted), registered at Police Station Murthal, District Sonapat.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of one Vinod Kumar Jindal, when he reached near the gate of his factory, 4-5 boys were present there with their respective weapons and they stopped his car and attacked the same with iron rods and sticks and by breaking the front and rear glass of the car, they have taken the bag carrying Rs.60,000/- and some documents of land. It is further argued that the petitioner is in custody for the last more than 01 year 04 months and 18 days and the statement of the complainant PW6 is recorded and as per the statement of PW6, the identity of the petitioner is not proved.

Counsel for the petitioner has further argued that even one

of the eye-witness i.e. PW8 – Ashok Kumar, has also not recognized any of the accused by stating that they were having muffled face and cannot be identified. This witness was declared hostile and despite the cross-examination by the Public Prosecutor, nothing has come.

Counsel for the State has filed the Custody Certificate today in the Court and as per the Custody Certificate, the petitioner is facing one more trial under the Arms Act in which he is on bail and in some of the cases, he already stands acquitted.

Counsel for the State, on instructions from ASI Samreek, however, argued that only 03 witnesses remain to be examined.

Without commenting anything on merits of the case, considering the fact that the identity of the petitioner is not proved as per the statement of PW6 and one of the eye-witness i.e. PW8 – Ashok Kumar, has also not recognized the petitioner and also in view of the fact that the petitioner is in custody for the last 01 year and 03 months 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.

(ARVIND SINGH SANGWAN)
JUDGE

10.12.2019
yakub

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