

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

**CRM-M-55757-2018
Date of decision: 13.09.2019**

Amit @ Situ

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 66 dated 27.02.2018, registered under Sections 379-B/34 of the IPC and Section 25-54-59 of the Arms Act, 1959 at Police Station Kheri Daula, Gurugram, District Gurugram.

Learned counsel for the petitioner submits that the petitioner is in judicial custody for the last one year and five months and as per the allegations in the FIR, registered at the instance complainant Parmod Kumar, who appeared as PW-4, it is stated that he was employed as Driver by one Vikram on his Innova Car. On 26.02.2018, while he was going back to Manesar, he stopped at a tea stall near village Badha for some refreshment and in the meantime, three persons asked him to drop them at Navada Chowk and on refusal, they forcibly entered into his car

and put a revolver on his head. They started driving the car and after some time, they put off the complainant in the mustered filed and snatched his two mobile phones along with Rs. 900/- and also taken away the car.

Learned counsel for the petitioner further submits that while appearing as PW-4, this witness has stated that he was taken to Bhondsi Jail to identify the accused persons but he could not identify them as he could not see the faces of the assailants as it was a night and dark and further stated that he could not say that the accused persons present in Court are the same who have snatched his Innova car and other belongings.

Learned counsel for the petitioner further submits that the aforesaid witness was declared hostile and in the cross-examination by the Public Prosecutor, this witness has stated that he never identified the accused persons who snatched his Innova car. Photocopy of the statement is also placed on record.

Learned counsel for the petitioner further submits that one of the co-accused, namely Sandeep, has already been granted concession of regular bail.

Learned State counsel has filed custody certificate which is taken on record. As per custody certificate, the petitioner is involved in some other cases, however, he is on bail in those cases.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the petitioner and also in view of the statement of complainant/PW-4 Parmod Kumar, the instant

petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

13.09.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No