

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48552-2019

Date of Decision: 21.11.2019

Pankaj and another

.. Petitioners

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Goyat, Advocate for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail in a case FIR No.138 dated 27.06.2019, registered under Sections 379-B and 34 IPC, at Police Station Adampur, District Hisar. They are in custody since their arrest on 14.07.2019.

The FIR in the present case was registered on the statement of complainant Radha, wherein it was stated that when she was going towards Dhani after taking pension near Adampur Gaushala then two boys on a bike came there and snatched a golden Tawiz from her neck and ran away.

Learned counsel for the petitioners contends that the complainant has already testified before the Court as a witness and did not support the prosecution case. He has invited the attention of the Court to her deposition (Annexure P-2). It is pointed out that the complainant clearly stated before the Court that the petitioners are not the persons, who had committed the alleged crime.

On the other hand, learned State counsel assisted by HC

Varinder Singh has opposed the prayer. However, this fact is not disputed that the complainant did not support the prosecution case and was declared hostile. He submits that still 6 witnesses remain to be examined by the prosecution.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume more time and keeping in view the custodial period of the petitioners, their further custody may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

21.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No