

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

**CRM-M No. 52586 of 2018
Date of Decision:-29.01.2019**

Vikas and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Ram Pal Verma, Advocate
for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioners Vikas and Hussain have prayed for grant of regular bail pending trial in case FIR No.0384 dated 12.8.2018, under Section 379-A IPC, registered at Police Station Kundli, District Sonapat. The petitioners were arrested on 31.8.2018 and since then they are in custody.

On the statement of Kuldeep Kumar s/o Utim Lal Paswan, the FIR was registered with the allegations that the complainant is employed in a factory at HSIDC Kundli. On the day of occurrence, after finishing the job, he along with his friend Ugan Kumar went to Drain No.8 on his Motor Cycle bearing registration No.HP-12H-8473. There four boys came and snatched the key of his motor-cycle and mobile phone of his friend Ugan

Kumar having contact No.62038-77262. After completion of investigation, the challan was filed and the trial commenced.

Learned counsel for the petitioners contends that the complainant as well as his friend, namely, Ugan Kumar have been examined as PW5 and PW6 respectively and they have stated before the Court that the petitioners (accused) are not those persons, who snatched their motor-cycle and mobile phone. It is further argued that the motor-cycle was recovered from accused Subeb and mobile phone was recovered from accused Vikas (petitioner No.1 herein). Learned counsel for the petitioners contends that further custody of the petitioners may not be justified.

On the other hand, learned State counsel, assisted by ASI Naresh Kumar opposed bail application. However, it is not disputed that the complainant and his friend have not supported the prosecution case and have been declared hostile. Besides that four more witnesses have been examined and still six prosecution witnesses remain to be examined.

Considering the custody period and the stage of the trial, 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 the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

January 29, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE