

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

CRM-M-21502-2020

Date of Decision: 29.09.2020

VIKESH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.Amit Chaudhary, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in his second attempt in case bearing FIR No.53 dated 21.08.2018, registered under Sections 379-A, 34 IPC at Police Station GRP, Bahadurgarh, District GRP Ambala Cantt.

Earlier CRM-M-31395 of 2019 was got dismissed as withdrawn vide order dated 24.10.2019.

The allegations in the FIR are that when the complainant was going to board the train three young boys had snatched his red colour bag in which cash amount of Rs.7500,

ATM of Punjab and Sind Bank and 2 mobile phones were present. Thereafter an amount of Rs. 24,800/- was withdrawn from State Bank of India with the help of ATM card.

Learned counsel for the petitioner submits that qua one of the mobile of the complainant, statement of Sombir @ Sonu has been recorded to the effect that he had purchased the same from the petitioner for an amount of Rs.3500/-. The bill of the said mobile was not given and therefore, the said mobile was returned to the petitioner. The petitioner was arrested on 08.02.2019. After filing of the challan, 5 prosecution witnesses have been examined out of total 11 witnesses.

Learned counsel for the petitioner further submits that no CCTV footage has been collected by the police. The alleged occurrence took place on 16.08.2018 and FIR in question came to be registered on 21.08.2018 i.e. after delay of 5 days. By referring to the statement of PW-1, learned counsel submits that in the examination-in-chief, the witness has stated that two persons were sitting near him and were talking on their respective mobile. Suddenly one of them snatched the bag from the petitioner and fled away. In the cross examination of the witness, the witness has stated some different version of gagging his mouth from the back side by one of the accused and thereafter, another accused had snatched the bag from him. In the concluding part of the cross-examination, the witness had

admitted that the petitioner had not snatched any bag from him. The petitioner is in custody since 08.02.2019. The trial has already come to a halt in view of the situation arising out of COVID-19 pandemic. The bail has been declined solely on the ground that the brother of the petitioner is still at large and has been declared as Proclaimed offender.

Learned State counsel, on instructions from Ranbir Singh SI, states that 5 prosecution witnesses have been examined and the next date of hearing is 05.10.2020. The factum of statement of PW-1, Kuldeep Singh has not been denied but Mr. Gautam states that the statement of the PW-1 would be tested by the trial Court and his testimony would be subject to the judicial scrutiny. Petitioner is permanent resident of Bihar and there is every likelihood of his absconding from justice and in such eventuality the presence would be hard to secure.

Taking into consideration the aforesaid facts and circumstances of the case, I am of the view that the petitioner, who is in custody since 08.02.2019 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing heavy

bail bonds and local surety to the satisfaction of the trial Court/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

29.09.2020
shabha

(RAJ MOHAN SINGH)
JUDGE

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