

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

1. CRM-M-30836-2020

Vinit

...Petitioner

Versus

State of Haryana

...Respondent

2. CRM-M-34107-2020

Abhishek

...Petitioner

Versus

State of Haryana

...Respondent

Date of decision: 15.12.2020

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Pardeep Panwar, Advocate
for the petitioner in CRM-M-30836-2020.

Mr. Satya Vir Yadav, Advocate
for the petitioner in CRM-M-34107-2020.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

Prayer in these petitions, filed under Section 439 of the Code of
Criminal Procedure, is for grant of regular bail to petitioners Vinit and
Abhishek in case FIR No. 127 dated 16.04.2018, registered under Sections
395, 397, 420 of the IPC and Section 25 of the Arms Act, 1959 at Police

Station Murthal, District Sonipat.

Report of the trial Court, in compliance with order dated 13.10.2020, passed in the first petition, has been received.

Learned counsel for the petitioners have placed on record photocopy of the statement of complainant/PW-1 Somdutt and PW-2 Pawan, who are the eyewitnesses.

Learned counsel for the petitioners submit that in the statement of PW-1 Somdutt, it is stated that on 15/16/04.2018, he, along with PW-2 Pawan, was present on a patrol pump as salesman and one car, bearing registration number DL-1CR-1775, came there, from which, two young boys came down and pointed a gun and snatched the cash of Rs. 37,200/-. He further stated that he has moved an application in this regard before the police. With regard to identification of the petitioners, this witness stated that he had seen four accused persons present in Court room and two accused persons through video conferencing but he could not say that these accused persons had snatched the said cash. Upon this, the public prosecutor requested the Court to declare this witness hostile and the same was allowed. On further cross-examination by the public prosecutor, this witness did not identify the petitioners. Similar is the statement made by PW-2 Pawan.

Learned counsel for the petitioners further submit that petitioners are in judicial custody since 24.07.2018 and a period of more than 02 years and 05 months has passed and since the complainant and the eyewitnesses have not supported the prosecution version, there is no possibility for the petitioners to tamper with the evidence.

Learned State counsel could not dispute the factual position but

opposed the bail.

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 petitioners and also considering the long custody period of the petitioners, the instant petitions are allowed. Petitioners Vinit and Abhishek are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.

A photocopy of this order be placed on the file of other connected case.

15.12.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No