

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

CRM-M-32826 of 2019

DATE OF DECISION :- February 26, 2020

Jagat Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Sumit Sangwan, Advocate for the petitioner.

Mr. Kuldeep Sharma, DAG, Haryana.

This petition for regular bail has been filed by petitioner Jagat Singh, aged about 25 years, a native of U.P., an accused in F.I.R. No. 474 dated 10.7.2018 registered with Police Station Sadar Bahadurgarh, District Jhajjar for offences under Sections 379B, 392 IPC and Section 25 of the Arms Act, 1959.

Briefly stated the facts of the case as per prosecution story are that on intervening night of 9/10.7.2018 at about 2.20 A.M., accused Jagat Singh driving Pulsar motorcycle of black colour along with his co-accused Shiv Charan went to petrol pump Rathi Filling Station, Village Bhaproda and at gun point snatched Rs.37,000/- from complainant Ravi son of Subhash working as a salesman at the said Filling Station.

On the basis of complaint submitted by the complainant formal

F.I.R. was registered. The accused was arrested in this case on 27.8.2018. On completion of investigation and other formalities challan has been filed in the case. He had moved an application for regular bail before the Courts below but was unsuccessful, as such he has approached this Court by filing petition with similar prayer which is being resisted by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

It is contended by learned counsel for the petitioner that star witness of the prosecution Ravi who had lodged the complaint and happen to be an eye witness of the incident has not supported the prosecution story with regard to the involvement of the present petitioner in the incident and rather has stated that he could not identify the accused present in the Court being the same person who had snatched a sum of Rs.37,000/- from him. He was declared a hostile witness and public prosecutor was permitted to cross examine him but without any fruitful result. Copy of statement of the complainant has been placed on record by the State counsel.

Although it is contended by learned State counsel that he is involved in another case under Arms Act but then admittedly he is on bail in that case. The petitioner is in custody for more than 1½ years. The conclusion of trial is likely to take some time. Moreover, the star witness of the prosecution have not identified the petitioner in the Court being one of the culprits.

Considering all the facts and circumstances of the case, this petition is accepted. Petitioner Jagat Singh is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned

trial Court/CJM/Duty Magistrate, Jhajjar. However, it is made clear that in case the petitioner is found indulging in any criminal act at a later stage, his order granting bail shall be liable to be withdrawn.

(H.S. MADAAN)
JUDGE

February 26, 2020
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No