

**In The High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-52629-2019 (O&M)

Date of Decision:- 7.1.2020

Himanshu

... Petitioner

Versus

State of Haryana and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Sanjeev Kumar, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

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**GURVINDER SINGH GILL, J. (Oral)**

1. Petitioner-Himanshu has approached this Court seeking grant of regular bail in a case registered vide FIR No.183, dated 31.5.2019, registered at Police Station Arya Nagar, District Rohtak, under Sections 395, 397, 379-B, 120-B IPC and Section 25 of the Arms Act.
2. The FIR was lodged at the instance of Gaurav wherein it has been alleged that he is working for Epay Infoserve Pvt. Ltd. as a Cashier and his job is to collect cash in electricity office and to deposit the

same thereafter in the bank. It is alleged that on the day of occurrence i.e. on 31.5.2019 when he after collecting cash was going along with his friend Parvesh on foot and when he reached near the office of XEN, then 4 boys came there out of whom one of them pointed the pistol at them and the second boy snatched his bag. When the complainant attempted to get his bag back then the third boy hit him with rod and tried to run him over with the motorcycle. It is alleged that the said persons also gave beatings to his friend Parvesh and later the said unknown 4 boys made good their escape on motorcycle along with the bag containing money and also the complainant's laptop.

3. Learned counsel for the petitioner has submitted that he is not named in the FIR and is sought to be nominated falsely as an accused on the basis of some supplementary statement of the complainant, recorded on 5.6.2019 i.e. after 5 days of the alleged occurrence.
4. The learned State counsel while opposing the petition has submitted that since the complainant in his supplementary statement has specifically named the petitioner to be one of the persons who had snatched the bag, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court. A perusal of the supplementary statement dated 5.6.2019 would show that the complainant named 6 persons therein, whereas in the FIR 4 persons are stated to have snatched the bag from the complainant. Furthermore, in the supplementary statement the complainant has stated that the petitioner had been working in his office on

contractual basis about 6 months prior to the occurrence. Had this been the position, then it certainly remains unexplained as to why the complainant did not identify the petitioner amongst the assailants in the FIR.

6. Having regard to the aforestated facts and circumstances and the fact that the petitioner has been behind bars since the last more than 6 months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Himanshu is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

**January 7, 2020**

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**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No