

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

CRM-M-53358-2019 (O&M)
Date of Decision:- 8.1.2020

Kuldeep @ Ratha

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Lalit Singla, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Kuldeep @ Ratha has approached this Court seeking grant of regular bail in a case registered vide FIR No.75, dated 4.4.2019, registered at Police Station Sadar Tohana, District Fatehabad, under Sections 395, 506 IPC and Section 25 of Arms Act.
2. The FIR was lodged at the instance of Rajinder wherein it has been alleged that on 3.4.2019, Ratha (petitioner) and Gaggi came to his liquor vend on a Zen car along with 10-12 other persons who were on motorcycles. It is alleged that petitioner who was armed with a pistol entered into his liquor vend and snatched ₹6000/- from the cash box.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity would be

evident from the fact that when the complainant and other eye witnesses stepped into the witness box they did not support the case of the prosecution at all. Learned counsel in this regard has drawn the attention of this Court to the statements of PW-5 Rajinder Kumar (complainant), PW-6 Sudhir and PW-7 Rakesh Kumar, who have all turned hostile. Learned counsel has further submitted that identically situated co-accused has already been granted bail vide order dated 22.11.2019.

4. The aforestated position is not disputed by learned State counsel who has however informed that the petitioner is involved in 7 other cases.
5. Having considered rival submissions addressed before this Court and bearing in mind that the complainant and other eye witnesses have not supported the case of prosecution, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Kuldeep @ Ratha 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.

January 8, 2020

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No