

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

CRM-M-2430-2021 (O&M)

Date of decision: 09.04.2021

Haseen

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Ms. Rosi, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Haseen, an accused in FIR No.61 dated 07.04.2018, for offences under Sections 420, 379-B, 395, 397 of IPC and Section 25 of the Arms Act, registered with Police Station Pinangwan, District Nuh.

Briefly stated facts of the case are that, complainant Rajender Narayan Pilai resident of Plot No.176, Scheme No.47, Saiyadari Nagar, Belgaon had entered into a deal for purchasing Innova vehicle for Rs.6,10,000/- via OLX site; as such, he accompanied by his friends Vijay Vithal Patil and Kishore Kedari Usolkar carrying cash amount of Rs.6 lacs came to New Delhi by train, reaching there on 05.04.2018; he contacted vendor on mobile phone, who asked him to come under fly over; thereafter, they were made to sit in a Swift car bearing registration

No.HR-38-S-9572; two young men sat in that car and took him to Airport Road, where 6-7 young men were already present on two motorcycles; the complainant and persons accompanying him were made to sit in a car, which was being driven by Haseen; one Imtiyaz also sat in that car; they assaulted the complainant and persons accompanying him and then snatched Rs.5 lacs which the complainant was carrying in a hand bag, his mobile phone make Samsung, two gold rings and mobile phone of Kishore Kedari Usoolkar; on matter being reported to the police, formal FIR was registered; Imtiyaz was arrested in this case on 08.04.2018, whereas, Haseen was arrested on 04.10.2020; the investigation in the case started.

Petitioner Haseen had filed petition for regular bail before the Court of Sessions at Mewat, however, that petition was dismissed, vide order dated 03.12.2020. As such, he has knocked at the door of this Court craving for grant of similar relief, by way of filing the present petition, which is being resisted by the State counsel.

I have heard learned counsel for the parties besides going through the record.

The petitioner in this case is in custody since 04.10.2020 i.e. for a period of more than 06 months. The petitioner is not shown to have any past criminal record. As per copies of statements of complainant, namely, Rajender Narayan Pilai and other eye witnesses Vijay Vithal Patil and Kishore Kedari Usoolkar, submitted by counsel for the petitioner, they had categorically stated that the accused were not the persons who had snatched the money and belongings from the

complainant. All the three witnesses were got declared hostile by the State counsel, who got an opportunity to cross examine such PWs but they stuck to their guns, creating a serious doubt over identity of the culprits including the petitioner. The conclusion of trial is likely to take some time. Considering all the facts and circumstances of the case, I find it a fit case to grant benefit of regular bail to the petitioner. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Mewat, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard;

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

09.04.2021

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(H.S. MADAAN)
JUDGE

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