

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****220****CRM-M-2641-2021 (O&M)**
Date of Decision: 22.01.2021

Dinesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Pankaj Bali, Advocate, for the petitioner.

Mr. Ramesh K. Ambavta, AAG, Haryana,
assisted by SI Satpal.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.621 dated 12.10.2018 at Police Station City Yamuna Nagar, under Sections 323, 394, 397, 365, 506 IPC and Section 25 of the Arms Act.
2. The FIR in question was lodged at the instance of Jatin Chawla, wherein it has been alleged that on 11.08.2018, when he was coming out of a shop so as to sit in his car, 4 boys came there and pushed him in the rear seat of the car while threatening to kill him and drove away the car. It is alleged that the said boys snatched his mobile and also an amount of Rs.16,000/- carried by him and after giving injuries threw him out of the car after tying his hands.

However, later he managed to free his hands and went to nearby *Dera* and informed his father.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case on the basis of a disclosure statement made by the petitioner himself, when he came to be arrested in another case. It has further been submitted that in fact the statement of the complainant has been recorded during the proceedings of trial, wherein he has been declared hostile, as he could not identify the petitioner to be an accused. Learned counsel in this regard has drawn the attention of this Court to the statement dated 13.11.2019 (Annexure P-2), wherein he has stated that he could not identify any of the accused.
4. Opposing the petition, learned State counsel has submitted that since the petitioner himself confessed his involvement in the occurrence and in fact upon his disclosure, the car in question was also recovered, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner has been behind bars since the last 2 years and 1 month and that as on date 8 PWs out of cited 22 PWs have been examined and that the petitioner is involved in 3 other cases.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the petitioner has not been identified by the complainant, when he was examined during the proceedings of trial and the fact that the petitioner has already been behind bars since the last about 2 years and 1 month, further detention of the petitioner will not serve any useful purpose as the conclusion of

trial will take some time. The petition, as such, is accepted and the petitioner 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, made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

22.01.2021
Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**