

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 208

CRM-M-23972-2021 (O&M)

Date of decision : 29.07.2021

Sandeep @ Kala

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Amit Kohar, Advocate, for the petitioner.

Mr.Aman Bahri, Addl.A.G., Haryana.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.174 dated 28.05.2019, registered under Sections 201, 394, 397, 120-B, 34 IPC and Section 25 of the Arms Act, 1959 at Police Station Narnaund, District Hisar.

The petitioner alongwith his co-accused is being prosecuted for having robbed the complainant for an amount of Rs.12 lakhs at gun point as also for inflicting a gunshot injury on the complainant's aide.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in this case; he is a young man aged 30 years; he is in custody for the last one year and eleven months; the complainant as also the alleged injured person while appearing before the Trial Court as witnesses of the prosecution have turned hostile and have refused to identify the petitioner and that since 24 prosecution witnesses remain to be examined, the petitioner's trial would take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner alongwith his co-accused robbed the complainant for an amount of Rs.12 lakhs at gun point; caused a gunshot injury on the

complainant's aide; he is involved in three other cases under the Excise/NDPS Act which are pending and if released on bail he may indulge in similar offences.

The petitioner has been in custody for the last one year and eleven months; the star witnesses of the prosecution i.e. the complainant and the injured while appearing before the Trial Court have turned hostile and refused to identify the petitioner and that since 24 prosecution witnesses remain to be examined, the petitioner's trial would take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hisar the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

29.07.2021
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes/no
Whether reportable	:	Yes/no