

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

212+105

CRM-M-28860-2021 (O & M)
Date of decision:30.11.2021

Rahul

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. R.N. Lohan, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

CRM-39564-2021

Application is allowed as prayed for.

Depositions of Ravinder, Aman, Sahil @ Rattan and Constable Rajni, who have been examined as prosecution witnesses No.3 to 6, are taken on record as Annexures P-3 to P-6 (re-numbered as Annexures P-7 to P-10).

Main Case

This is the second petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.67, dated 04.05.2019 registered for offence under Sections 392/397 IPC, 1860, and Section 25 of the Arms Act, 1959, at Police Station Pillukhera, District Jind.

As per the version of the prosecution, FIR came to be registered on the complaint of Vijay, wherein he stated that he is working as an Executive with Ola Company and on 03.05.2019, he had gone to a canal in his Honda Car with his friends Rinku, Aman, Sahil and Ravinder for taking a bath, when three unknown persons came on a motorcycle and after attacking his friends and under the threat of a pistol forcibly took the vehicle, their clothes, cash of Rs.25,000/-, a gold chain of Sahil, silver bracelet as well as the luggage, which was lying in the vehicle.

Counsel for the petitioner submits that the first petition (CRM-M-18885-2021) filed by the petitioner seeking grant of regular bail was withdrawn from this Court on 05.04.2021 with liberty to file a fresh petition before the trial court. According to the counsel, petition filed before the trial court has been dismissed vide order dated 27.04.2021, Annexure P-3. Counsel contends that after the dismissal of the previous petition, all the material witnesses, who are the friends of complainant, Vijay, as well as the complainant have been examined and they have not supported the case of the prosecution. He has made a reference to the deposition of all the said witnesses, which has been appended with the paper-book and contends that the change in circumstances entails the petitioner to file the present petition. Counsel submits that the petitioner is involved in three other cases and by virtue of orders Annexures P-4 to P-6, he has been granted bail in all the cases. It is his submission that the petitioner, who is in custody since 31.08.2019 deserves to be released on bail as he is no longer required for custodial interrogation.

Opposing the petition, learned State counsel upon instructions from ASI Satish, submits that the antecedents of the petitioner do not warrant his release on bail. She submits that recovery of one gold chain has been effected from the petitioner. As per her instructions, 06 out of 21 prosecution witnesses have been examined.

Having considered the matter, this Court is *prima facie* of the view that the complicity of the petitioner in the crime would remain debatable. Considering the fact that all the material witnesses have been examined, this Court is of the opinion that the petitioner, who is in custody for the last more than 02 years and 02 months would be entitled to be released on bail as the trial is likely to take time to conclude.

Without examining upon the merits or de-merits of the arguments addressed by the counsel for the parties, the petition is allowed. The petitioner is ordered to be released on bail on furnishing bail/surety bonds to the tune of Rs.3 lacs to the satisfaction of the trial Court/Duty Magistrate concerned.

While being released on bail, the petitioner will furnish an undertaking that henceforth, he will not get involved in any criminal activity. In case, he violates the undertaking, it shall be open for the State to seek cancellation of the bail.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

30.11.2021

(SUVIR SEHGAL)
JUDGE

sheetal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No