

225

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

**CRM-M No.30373 of 2021
Date of Decision:10.08.2021**

Mobin

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sanawar Ali, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.171 dated 16.05.2019, registered under Section 395 IPC and Sections 25/54 of the Arms Act at Police Station Matlauda, District Panipat.

As per prosecution story, complainant Sajjan Singh lodged the FIR on the premise that he used to keep his cattles in a bara. He used to stay in the fields to look after the animals along with his servant, namely, Sunil Kumar @ Kala. He has constructed separate rooms for their living. On 15.05.2019 at 2.30 AM, six persons came to the fields duly armed with

weapons. One of them pointed out pistol at the complainant and asked for money. The assailants also inquired about number of persons present in the field. They tied the complainant and his servant Sunil Kumar and put them in a room. One of the assailants, armed with pistol, stood as guard. Remaining persons took away the cattles in a vehicle. The boy, who stood as a guard, took away two batteries, inverter, two mobile phones and keys of the motorcycle of the complainant. He locked the room from outside. They also took away the motorcycle with them.

Learned counsel for the petitioner submits that the petitioner is in custody since 14.05.2021. Material witnesses i.e. complainant Sajjan Singh and eye witness Sunil Kumar have not supported the case of prosecution against the co-accused. Cross-examinations of the complainant and eye witness Sunil Kumar have not yielded any incriminating material against the accused.

Learned counsel for the petitioner further submits that co-accused, namely, Irfan has been granted regular bail vide order dated 21.05.2021 passed in CRM-M No. 18635 of 2021. Co-accused, namely, Sadik @ Mota has also been granted regular bail vide order dated 27.05.2021 passed in CRM-M No. 19352 of 2021. Co-accused, namely, Islam @ Kala @ Iqbal has also been granted regular bail vide order dated 01.07.2021

passed in CRM-M No.23536 of 2021.

Learned State counsel could not dispute the factual position. However, he submits that the supplementary challan has been filed in the month of July 2021 against the petitioner and charges have not been framed so far. Recoveries have already been effected.

Having heard learned counsel for the parties, I deem it appropriate to appreciate at this stage that the material witnesses have turned hostile qua the co-accused. Keeping in view the custody of the petitioner, status of witnesses, stage of trial, bail granted to the co-accused and the situation arising out of pandemic Covid-19, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

10.8.2021

Amandeep

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No