

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

237

CRM-M-32565-2021

Date of Decision: 18.08.2021

Nitin @ Narang

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Kunal Muthreja, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana,
assisted by ASI Munim Singh.

Mr. Akshay Dahiya, Advocate, for the complainant.

(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 against him vide FIR No.022 dated 19.02.2020 at Police Station New Colony, Gurugram, under Sections 341/379-A/34 IPC (Sections 394/397/34 IPC and Section 28-A of the Arms Act added later on).
2. The FIR in question was lodged at the instance of Pramod Dudeja, wherein he alleged that on 19.02.2020, when he alongwith his friends Rajiv Gulati and Rakesh were returning from Faridabad, his friends dropped him at Sohna Chowk at about 10.00 PM, where his scooty was parked. Later, when he was going on his scooty towards Madanpuri, two young boys, who came on a scooty, blocked his way and the pillion rider tried to snatch chain from his

neck. When he resisted, the other boy took out a pistol and threatened to shoot him. The complainant, however, gave a kick to the scooty of the said boys as a result of which they fell down. In the meantime, one of the boys took out a '*sua*' and thrust the same in his back. The other boy is alleged to have removed his gold bangle worn by the complainant, which weighed about 110 grams. In the meantime, some passerby came there and the said boys ran away from the spot.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact when the complainant stepped into the witness-box, he absolutely resiled from his statement. Learned counsel, in this regard, has drawn the attention of this Court to the statement of Parmod Kumar-complainant (Annexure P-2), a perusal of which would show that the complainant has categorically stated that the accused were not the persons, who had assaulted him or snatched his gold bangle.
4. Opposing the petition, learned State counsel has submitted that it is apparently a case where the accused have been able to win over the complainant and since specific allegations are there and during investigation, the petitioner was found to have committed offence, 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 about 1 year and 5 months.
5. I have considered rival submissions addressed before this Court.

6. Having regard to the fact that the petitioner has been behind bars for a substantial period of 1 year and 5 months and also that the complainant has not supported the case of the prosecution at all and has not identified the petitioner to be the accused, 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.

18.08.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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