

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

**CRM-M-32671-2021
Date of decision: 13.10.2021**

SAGAR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vikas Gulia, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0422 dated 20.09.2020, registered under Sections 379-A, 506 (Section 34 added later on) of the IPC, 1860 and Section 25/54/59 of the Arms Act, 1959 at Police Station Kharkhoda, District Sonapat, Haryana.

Learned counsel for the petitioner submits that as per allegations in the FIR registered at the instance of complainant-Amit, it is stated that he is running a shop of mobiles in his village. On 20.09.2020, one boy namely Rinku, who is resident of the same village came to his shop for recharge of the mobile. In the meantime, three other boys came on the motorcycle and out of them one kept sitting on the motorcycle, while two boys had their faces muffled entered the shop and asked him to show the mobile phone and later on, by pointing a pistol, they took away Rs.18,000/- from the cash box along with the mobile phone.

Learned counsel for the petitioner further submits that the

petitioner is in judicial custody for the last more than 08 months and the statement of the complainant-Amit is recorded by the trial Court as PW-8 and he has not identified any of the accused persons in the Court and was declared hostile and during the cross-examination he has further stated that he has not made any such complaint before the police.

Learned counsel for the petitioner then refers to the statement of one PW-9 namely Rinku, who has also stated that the petitioner Sagar and the co-accused Amit and Sandeep are not the persons who have committed the offence on the shop of the complainant namely Amit and was also declared hostile and during cross-examination he has stated that he has not made any such statement before the police.

Learned State counsel has filed the custody certificate in the Court and as per the same, the petitioner is involved in some other cases of similar nature, however, it is not disputed that the complainant and the eye witnesses are not supporting the prosecution version.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submission made by the learned counsel for the parties, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

13.10.2021
Chetan Thakur

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No