

217.

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

CRM-M-33626-2020

Date of decision: 12.01.2021

VIKRANT @ SUKHA

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Akashdeep Singh, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.375 dated 09.10.2019 registered under Sections 379-A, 392, 34 IPC and 25 of Arms Act, 1959 (Section 397 IPC added in challan) at Police Station Kalanaur, District Rohtak.

The aforesaid FIR was registered on a complaint made by Akash Chinda. As per the FIR during the intervening night of 08/09.10.2019, the complainant along with his father Vinod Kumar Chinda was sitting on the counter of the hotel being run by them under the name and style of Chinda Family Dhaba. The petitioner-accused along with other two co-accused had come on their *dhaba* and snatched currency notes of

Rs.20,000/- and a mobile phone of make Samsung A-30 from the counter on the pistol point. While leaving the place of occurrence, they have taken away CCTV box. They sat on the motorcycle which was standing sent near the liquor vend and went away.

. Counsel for the petitioner has argued that the petitioner is in custody since 28.11.2019. The other co-accused namely Anish and Rahul have been admitted on regular bail by the learned Additional Sessions Judge, Rohtak vide orders dated 16.01.2020 and 17.01.2020 (Annexures P-4 and P-5) respectively. He submits that the complainant has compromised the matter with the other co-accused Anish and while granting benefit of the same compromise, the co-accused Rahul was admitted on bail by the Sessions Court. There is another FIR registered against the present petitioner and the co-accused Anish i.e. FIR No.317, dated 09.10.2019 under Sections 379B, 394, 3397, 120-B and 201 of IPC and Section 25 of Arms Act, Police Station Civil Lines, Rohtak and the said co-accused Anish is on bail. He further submits that the petitioner is a juvenile as his date of birth is 11.01.2002 whereas the alleged occurrence in the present FIR has taken place on 09.10.2019.

Learned State counsel has argued that as regard the contention of counsel for the petitioner that the petitioner is juvenile, he has not taken such plea in the connected FIR in which he was admitted on bail and therefore, he cannot be treated as juvenile. However, he has not disputed the custody and the fact that the co-accused Anish has been admitted on bail by the learned Additional Sessions Judge. He submits that the motorcycle used in the crime was recovered from the petitioner on his disclosure statement,

though challan in the case has been presented.

I have heard learned counsel for the parties.

Petitioner is in custody since 28.11.2019. As regard his claim that the petitioner is juvenile, is a matter to be considered by the trial Court. Noticing the fact that the co-accused who is similarly placed has been admitted on bail, petitioner being in custody since 28.11.2019 and the trial is not likely to be concluded in the near future, deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/heavy surety to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the petitioner shall not influence the witnesses in any manner. In case it is noticed that the petitioner is influencing the witnesses in any manner, the prosecution shall be at liberty to seek cancellation of his bail.

Further, the petitioner is directed to get his presence recorded with the concerned police station on every 7th day of each calendar month for a period of 2 years or till the trial is concluded in the case whichever is earlier.

(HARI PAL VERMA)
JUDGE

12.01.2021
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No