

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51384-2021 (O&M)
Date of decision: 15.12.2021

Sandeep

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. M.S. Kundu, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.422 dated 20.09.2020 under Sections 379-A, 397, 392, 506, 411, 34 IPC and Sections 25 & 27 of Arms Act, registered at Police Station Kharkhoda, District Sonapat.

Learned counsel for the petitioner relies upon the order dated 13.10.2021 passed in CRM-M-32671-2021, vide which co-accused of the petitioner, namely Sagar, has been granted the concession of regular bail. The operative part of the order reads as under: -

“...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.”

For the sake of brevity, facts are not reproduced again.

Learned counsel for the petitioner submits that allegations against the petitioner are on similar footings and he is in custody for the last more than 10 months.

Learned State counsel, on the basis of custody certificate dated 14.12.2021 filed in the Court today, has not disputed the factual position.

Without commenting anything on merits of the case, considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

15.12.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No