

213

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

CRM-M No. 2313 of 2021 (O&M)

Date of decision: 19.04.2022

Dinesh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.241 dated 13.07.2018, for offence punishable under Sections 364-A, 395 of the Indian Penal Code, 1860 (in short 'IPC') and 25 of the Arms Act, registered at Police Station Ladwa, District Kurukshetra.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Dimple, it is stated that on 12.07.2018, he was coming back on his Fortuner vehicle bearing registration No.DL07-CG-6665 from Yamuna Nagar to Pipli and when he reached near a roundabout at Ladwa, he stopped his vehicle to purchase a water bottle and in the meantime, 5-6 boys came and by opening the window, pushed him inside the car and showed gun to him. Thereafter, one person started driving the vehicle and the other

accused were driving i-20 and Scorpio car and after some distance, they turned him down on the back seat of the car and snatched his gold rings and cash of about Rs.50,000/- and thereafter, they put him down at some unknown place and took away his vehicle.

Counsel for the petitioner has further submitted that the petitioner is in custody for the last about 03 years and 04 months and the statement of the victim Dimple has already been recorded as PW-12. Counsel for the petitioner with reference to the statement has submitted that when the Public Prosecutor asked the witness to identify the accused present in the Court, he stated that due to passage of time and due to fear at that very juncture, he could not see the faces of the assailants and thus, he cannot identify the accused present before the Court and 1-2 assailants were having muffled faces.

Counsel for the petitioner has then referred to the statement of PW-10 SI Mohinder Singh (Investigating Officer), who in cross-examination has stated that nothing was recovered from the accused in his presence and the accused did not suffer any disclosure statement regarding the involvement of the present offence in his presence. Lastly, it is submitted that out of 40 PWs, 19 PWs have already been examined.

Counsel for the State on the basis of the affidavit of the Deputy Superintendent of Police, Kurukshetra and the Custody Certificate has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in some other FIRs. It is also not disputed that the complainant has not identified the accused in the Court.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last about 03 years and 04 months; the custodial interrogation of the petitioner is not required; the victim has not identified the accused before the trial Court and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

19.04.2022
yakub

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