

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

Criminal Misc.-M No.3829 of 2022

Date of Decision: February 03, 2022

Sarjeet @ Sarjeet Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Keshav Pratap Singh, Advocate,
for the petitioner.

Mr.Bhupender Singh, DAG, Haryana.

Mr.D.S.Walia, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.215 dated 06.12.2021, under Sections 379-A, 506, 34 IPC, 1860 (Section 379-A IPC has been deleted and Section 392 IPC added later on), registered at Police Station, Sohna, District Gurugram, who is in custody since his arrest on 06.12.2021.

As per the allegations in the FIR, on 06.12.2021, complainant-Sarfu Khan submitted a written complaint to the concerned police station to the effect that he runs his vehicle bearing registration No.HR-74A-5743 attached with Uber Company and on 05.12.2021 at about 9.46 p.m., his abovesaid car was booked by accused Naveen for going to village Thaithad, but at the time of travel, Sarjeet and Naveen have boarded his vehicle and when they reached at bus stand of Village Rahaka, the accused persons thrown him out from the car and after snatching the same forcibly, fled

away from the spot. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that as per allegations, the vehicle belonging to the complainant was forcibly snatched away by accused persons, namely, Naveen and Sarjeet @ Sarjeet Singh (petitioner) and the FIR was initially registered for the alleged commission of offence punishable under Section 379-A IPC. According to the learned counsel, after completion of investigation, final report has been filed relating to the offence punishable under Section 392 read with Section 34 IPC. He has drawn the attention of the court to the stand of the police filed before the trial court, wherein it is mentioned that during test identification parade, the complainant has not identified the petitioner as an accused. He prays for bail.

On the other hand, learned State counsel, assisted by SI Hari Singh, has opposed the prayer on the ground that the complainant had specifically named the petitioner as an accused. However, it is not disputed that during test identification parade, he has refused to identify the petitioner as one of the accused persons. He, on instructions, further states that the investigation of the case is complete and in all there are eight witnesses and no one has been examined so far. According to him, the vehicle snatched from the complainant was recovered from co-accused Naveen.

After hearing the learned counsel for the parties and considering the above background, this court is of the opinion that the possibility of conclusion of trial in near future is extremely bleak.

Admittedly, the material witnesses are either the complainant or the police

officials and at present there does not seem to be any possibility of their being won over, therefore, the further detention of the petitioner behind the bars would not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Gurugram.

February 03, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No