

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

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CRM-M-5563-2022 (O&M)

Date of Decision: 27.10.2022

Bijender @ Chintu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. L.K.Narang, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Rajesh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.357 dated 28.12.2019 at Police Station Lakhan Majra, Rohtak, under Sections 379B/392/397 IPC and Section 25 of the Arms Act.
2. The FIR was lodged at the instance of Jagdish @ Pappu, wherein it has been alleged that on 27.12.2019, when he alongwith Raju were present at Hathwalia Petrol Pump being Salesmen on duty, then 3 young persons with muffled faces came there on a motor-cycle and requested for refueling the same. It has been alleged that one of them came inside the room and tried to open the drawers, which were locked and other two caught hold of Raju. One of them while aiming pistol at Raju demanded the cash and took search of Raju, but he did not have any money. In the

- meantime, the person who went inside also took out pistol and thereafter, all of them while brandishing pistols took away cash, which was in the pocket of his *pyjama*. The complainant has described the registration number of the motor-cycle as HR-13C-9421 and has alleged that the accused escaped from the spot after snatching an amount of Rs.16,000/- - Rs.17,000/-.
4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that the falsity would be evident from the fact that when the complainant was examined during the proceedings of trial, he did not identify the petitioner to be the accused.
 5. Opposing the petition, learned State counsel has submitted that since the motor-cycle used in the occurrence was recovered from the petitioner, his complicity is clearly evident. It has also been informed that the petitioner has chequered record and stands involved in as many as 8 other cases. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 years, 9 months & 17 days. It has also been informed that as on date 4 out of cited 18 PWs have been examined.
 6. This Court has considered rival submissions.
 7. While the complainant has not identified the petitioner to be the accused, but the factum of recovery of motor-cycle used in the occurrence is a fact which could establish the case of the prosecution. However, without commenting anything further as regards the merits of the case, but while noticing that the petitioner has been behind bars for a substantial period of about 2 years, 9 months & 17 days, further detention of the petitioner

will not serve any useful purpose as the conclusion of trial will take some time inasmuch as only 4 out of cited 18 PWs have been examined so far. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.10.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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