

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

CRM-M-6998-2022

Date of decision: 27.04.2022

Sahil alias S. K.**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Vikas Gulia, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 288 dated 26.06.2021, registered under Sections 379-B, 395, 397 of the IPC (Section 201 IPC added later on) at Police Station Gohana City, District Sonapat.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Sarvar, it is stated that he is indulged in the business of cutting trees and when he was going to his village on a motorcycle, four/five persons surrounded and stopped him. The said persons snatched his mobile phone, money as well as his motorcycle and they also threatened to kill him.

Learned counsel for the petitioner has placed on record the statement of complainant Sarvar, who appeared as PW-3. The same is taken on record as Mark 'X'. Learned counsel submits that this witness has not

identified the petitioner as one of the assailants and was declared hostile and even in cross-examination by the public prosecutor, he has not supported the prosecution version.

Reply, by way of the affidavit of the DSP, Hq., Sonipat along with the custody certificate, has been filed today in Court. In reply, it is stated that after registration of the FIR, a secret information was received regarding three of the assailants. Thereafter, co-accused Suraj, petitioner Sahil @ S. K. and Aakash were arrested on 27.06.2021 and after some time, a juvenile namely Romio @ Thatta was arrested on 29.06.2021. It is further stated that the statement of the complainant has already been recorded, which is relied upon by the petitioner.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the fact that the petitioner is in judicial custody for the last 09 months and 28 days and the statement of the complainant has already been recorded, wherein he has not identified the petitioner as one of the assailants, the present petition is allowed and petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.

27.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No