

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7133-2021 (O&M)
Date of decision : 31.03.2022

Vijay @ Dev

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.K. Goswami, Advocate for petitioner.
Mr.A.K. Sehrawat, DAG, Haryana

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MAHABIR SINGH SINDHU, J.

CRM-44787-2021

Since the main case is also listed for hearing today, therefore, the application for preponing the date of hearing has been rendered infructuous and is disposed off as such.

MAIN CASE:

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case FIR No. 235 dated 31.08.2018 under Sections 395, 397 IPC, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station, Julana, District Jind.

Brief facts of the case are that complainant was working as salesman at Sankat Mochan Petrol Pump Julana. On 31.08.2018 at about 5:45 PM, complainant along with Satish was sitting near the machines at the petrol pump, then a white RITZ car bearing No.HR-05-1661 stopped near Diesel Machine and in the same diesel was filled for Rs.199/-. Meanwhile, three young unknown boys came out of the car and started roaming here & there. One of them pointed a pistol on the complainant's neck; whereas other on Satish's and started snatching cash. When complainant refused to give the cash, then one of them shouted that

“Mandeep kill him if he is not giving cash”. Thereafter, they fled away from the spot after snatching the cash while saying that Vijay Kathura drive the car fast. Hence, the present FIR.

Contends that petitioner is in custody since 08.10.2018 and all the material prosecution witnesses have turned hostile and no one is supporting the prosecution case.

Learned State counsel, on instructions, does not dispute the above factual position.

Heard both sides and perused the paper book.

Concededly, all the material prosecution witnesses have turned hostile and petitioner is in custody for the last more than three years.

As a result thereof, the petition is allowed. Petitioner is ordered to be released on bail pending trial in this case, on his furnishing bail/surety bonds to the satisfaction of learned Trial Court/CJM/ Duty Magistrate, concerned.

It is clarified that the petitioner shall regularly appear before learned trial Court and in case, there is a violation of the bail order granted by this Court, the State would be at liberty to move before this Court for recalling the order.

The above observations may not be construed as an expression of opinion on the merits of the case.

31.03.2022
sanjay

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned : Yes/No

Whether Reportable: Yes/No