

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

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**CRM-M-7053-2022 (O&M)**

**Date of Decision: 25.07.2022**

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Suhail @ Soni

... Petitioner

VS.

State of Haryana

... Respondent

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**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

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Present: Mr. Siddharth Sharma, Advocate for the petitioner

Mr. Ramesh Kumar Ambavta, AAG Haryana

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**VIKAS BAHL, J. (Oral)**

**CRM-9486-2022**

This application for preponement of the date of hearing has become infructuous and is disposed of accordingly.

**CRM-9488-2022**

Allowed as prayed for. Documents (Annexure P4 to P6) are taken on record subject to just exceptions.

CRM stands disposed of.

**Main case**

This is the 1<sup>st</sup> petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.515 dated 29.10.2020 under Sections 201/342/395/397/412 IPC and Section 25 of the Arms Act, registered at PS Sadar District Sonapat.

Learned counsel for the petitioner has submitted that in the present case, no person has been named in the FIR and it has been stated that apart from the others, two persons, namely, Om Parkash and Amit, who were stated to be workers in the factory, were the persons who were taken at gun point at the time when the alleged robbery was underway. It

is stated that the said two witnesses Om Parkash and Amit have been examined as PW2 and PW3 and in their statements, they have specifically stated that they do not identify the accused persons and that the police has not shown them the accused persons and have thus, not supported the case of the prosecution. It is further submitted that the petitioner is in custody since 16.11.2020 and there are 26 witnesses out of which, 13 witnesses are yet to be examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. It is also submitted that no recovery has to effected from the petitioner.

Learned State counsel on the other hand has opposed the present application for regular bail and has submitted that recovery of 53 kgs of copper rods and 40 kgs of plate has been effected from the petitioner, showing his involvement in the occurrence.

This Court has heard learned counsel for the parties and gone through paperbook.

The petitioner has been custody since 16.11.2020 and there are total 26 witnesses out of which, 13 witnesses are yet to be examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. A perusal of the FIR would show that no one has been named in the same and two of the witnesses, namely, Om Parkash and Amit were the persons who are the eye witnesses to the occurrence as they had seen the accused persons commit the theft, have been examined as PW2 and PW3 and in their cross-examination, they have not supported the case of the prosecution and stated that they did not identify the accused and further submitted that the police had not shown the accused to them. The recovery in the present case has already been

effected from the petitioner and no purpose would be served by keeping the petitioner in further incarceration.

Keeping in view the above-said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate, concerned and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

It is, however, made clear that in case the petitioner influences or threatens any witness, then it would be open to the State to move an application for cancellation of bail of the petitioner.

25.07.2022

*V.Vishal*

**(VIKAS BAHL)**  
**Judge**

1. *Whether speaking/reasoned?*

*Yes/No*

2. *Whether reportable?*

*Yes/No*