

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.211

CRM-M-9983-2021

Date of decision: 28.04.2022

Vikram

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Neeraj Sheoran, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.80 dated 04.05.2020 registered under Sections 323, 341, 396, 394, 397, 411, 34 IPC and under Section 25 of Arms Act, 1959 at Police Station City Narwana, District Jind.

Briefly stated, the case of the prosecution is that on 03.05.2020, at about 9.30 P.M., when the complainant was coming back home from his petrol pump he was stopped by three boys on a motorcycle. Two of the the boys, who were armed with pistols, pointed the same at the complainant and the third boy hit the complainant's head with a pistol butt and snatched Rs.35,000/- which he was carrying. As a result of such attack, the complainant fell down. Thereafter, all the three boys fled the scene with their respective weapons on the their motorcycle. Later, the petitioner was identified by the complainant to be one of the three boys who had attacked and robbed him at gun point.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner has been in custody since 07.05.2020; the complainant while appearing before the Trial Court as PW-3, after seeing the petitioner, has categorically stated that it was not the petitioner who had robbed him and that since in the petitioner's trial 20 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is accused of armed robbery and is also involved in two other criminal cases.

The petitioner has been in custody for the last nearly 02 years; the complainant while appearing before the Trial Court as a witness for the prosecution has categorically stated that it was not the petitioner who had robbed him and since in the petitioner's trial 20 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jind, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

In the light of the fact that the petitioner is involved in two other criminal cases, it is directed that in case he is found indulging in any other criminal case it shall be open to the State to seek cancellation of the bail granted to him through this order, in accordance with law.

April 28, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No