

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

Criminal Misc. No.M-9978 of 2022(O&M)

Date of Decision: June 02, 2022

Gurnam alias Savan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Rajesh Malik, Advocate assisted by
Mr.Sandeep Singh, Advocate for the petitioner.

Mr.Saurabh Girdhar, AAG, Haryana.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of Regular bail in case FIR No.269 dated 04.09.2020 under Section 379-B and 120-B/302/323/34 IPC (added later on), Police Station Madhuban, District Karnal.

The FIR was lodged on the statement of one Sakib, who stated that his uncle Najmul was working as a Driver on Truck No.HR-55M-9405 and the complainant was working as Conductor on the said truck. On 03.09.2020, they were coming from Yamuna Nagar to Delhi. When they reached near the Government School of village Kairwali at around 2.00 A.M on 04.09.2020, then a car overtook the truck and stopped in front of the truck. 5-6 young boys having knives and sticks in their hands alighted from the car. They forcibly dragged the complainant and his uncle from the truck

and caused them beatings. Due to fear, the complainant managed to run away, but his uncle Najmul was inflicted injuries. Rs.35,000/- and a Samsung mobile were snatched from his uncle. In the meantime, a Canter came from the back side. The boys forcibly also stopped the said vehicle. The driver and the Conductor of the Canter were given injuries. Their material was also snatched. On raising *raula*, people from the nearby village came there, upon which the assailants fled in their car along with their weapons. The injured were shifted to Government Hospital for treatment.

Ld. counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. He was not named in the FIR. Referring to statements of PW1, PW2 and PW6 (Annexures P-4, P-5 and P-6), he further states that during trial, material witnesses have not supported the allegations. Out of four victims of the alleged crime, one Nazmul has already expired, whereas, remaining three, namely; Surender (PW-1, Conductor of the Canter), Jasbir (PW-2, Driver of Canter) and the complainant-Saqib (PW-6, Conductor of Truck and companion of deceased Nazmul), who were cited as eye witness by the prosecution, have turned hostile and did not support the prosecution version. The petitioner has been in custody since 20.10.2020 and only the official witnesses remain to be examined. Co-accused Ram Singh @ Ashu and Rohit have already been released on regular bail by this Court.

In view of the above, particularly the fact that the material witnesses have not supported the case set up by the prosecution, without expressing any opinion on the merits of the case, this petition is allowed.

The petitioner **Gurnam alias Savan** is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

June 02, 2022
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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No