

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

220

CRM-M-12327-2022 (O&M)

Date of Decision: 05.08.2022

Pawan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vivek Khatri, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

CRM-27412-2022

For the reasons mentioned in the application, the same is allowed as prayed for and the statements of the complainant and his father are taken on record as Annexures P-4 & P-5.

CRM-M-12327-2022

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.178 dated 10.04.2021 at Police Station Azad Nagar, Hisar, under Sections 147/148/307/323/341/365/394/506 IPC read with Section 120-B IPC.
2. The FIR was lodged at the instance of Jitender Kumar, wherein it has been alleged that on 09.04.2021, when he was proceeding towards his house on his motor-cycle, then he was waylaid by 10/11 boys including Vikas, Pawan and Mandeep, who attacked him, inflicted injuries to him

and snatched an amount of Rs.50,000/- as well as his ATM card and his two mobile phones.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity would be evident from the fact that when the complainant stepped into the witness-box, he did not support the case of the prosecution at all and did not identify the accused and has categorically stated that the accused present in the Court are not the persons, who had given beatings to him and had snatched an amount of Rs.50,000/- as well as his ATM card and mobile phones.
4. Opposing the petition, learned State counsel has submitted that it is a case where the petitioner is specifically named in the FIR and that it cannot be said to be a false case inasmuch as the complainant had sustained as many as 26 injuries. It has been submitted that apparently the petitioner had intimidated the complainant, who has not identified the petitioner during the proceedings when his statement was recorded in Court. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year & 3 months and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner has been behind bars for a substantial period of about 1 year & 3 months and also that the complainant has not identified the petitioner to be amongst the accused, when he appeared in the Court for recording his statement, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted

and the petitioner is ordered to be released on regular bail on his
furnishing bail bonds/surety bonds to the satisfaction of learned trial
Court/Chief Judicial Magistrate/Duty Magistrate concerned.

05.08.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**