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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13237-2022(O&M)

Date of Decision: 26.05.2022

Vinay

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Surender Saini, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

JASJIT SINGH BEDI, J.(Oral)

CRM-19298-2022

The present application has been filed by the applicant-petitioner for placing on record photocopies of depositions of complainant and other private witnesses as Annexures P-3 to P-5.

For the reasons mentioned in the application, the same is allowed and photocopies of depositions of complainant and other private witnesses as Annexures P-3 to P-5 are taken on record.

CRM-M-13237-2022

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.111 dated 28.02.2021, registered under Sections 148, 149, 379-B, 395, 397, 323, 341 IPC, 1860 and Sections 25/27 Arms Act, 1959 at Police Station Shivaji Colony, District Rohtak (Annexure P-1).

2. The brief facts of the case are that Sunil Kumar got recorded his statement to the effect that on 27.02.2021, while he was travelling in his auto and reached the bridge of Sector-4, 7-8 young boys got stopped his auto and asked him to take them to Jhajjar Bypass, Rohtak. He stopped his auto near Rupiya Chowk Jhajjar Bypass and the boys gave beatings to him and one boy drove away the auto towards Delhi bypass taking away Rs.19,000/- and mobile phone with two SIM Cards. All the boys ran away from the spot and two boys were having pistol like weapons in their hands.

3. The learned counsel for the petitioner submits that the petitioner has not been named in the FIR and has been falsely implicated, in fact some persons were arrested in FIR No.79 dated 29.09.2021 registered under Sections 395, 397, 379B IPC and Section 25 Arms Act at Police Station Sadar Sonapat and their disclosure statements were recorded regarding the commission of the present offence. The pistol allegedly used in the offence has been recovered in FIR No.79 from Sahil @ Gajni. He further contends that nothing has been recovered from the petitioner in the present case, though in the earlier FIR, Rs.610/- has been shown to have been recovered from him. He lastly contends that the three material witnesses including the complainant have already been examined and have not supported the case of the prosecution and therefore, the petitioner deserves the concession of regular bail.

4. On the other hand, the learned State counsel contends that the petitioner is one of the main accused and has committed a serious offence. He has one other FIR registered against him and therefore, his antecedents do not entitle him to the grant of regular bail. He, however, admits the fact that the three main prosecution witnesses out of the 30 cited in the list of

witnesses stand examined and none of them have supported the prosecution case.

5. I have heard the rival contentions of both the parties.

6. Admittedly, 10 prosecution witnesses have been examined including three material witnesses whose deposition has been attached as Annexure P-3, P-4 and P-5. None of these witnesses which include the complainant, his brother and a friend have supported the case of the prosecution. Twenty witnesses are yet to be examined and the petitioner is otherwise has been in custody since 26.03.2021. Thus, the trial of the present case is not likely to be concluded in the near future.

7. In view of above, without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate, concerned.

8. The petitioner shall appear on the first Monday of every month before the local police Station and furnish an affidavit each time that he is not involved in any other crime other than the present case during the time he was on bail.

(JASJIT SINGH BEDI)
JUDGE

26.05.2022
JITESH

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No