

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

CRM-M-17571-2020 (O&M)

Date of decision: 10.05.2022

Jitender Bhardwaj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ajay Singh, Advocate
for the applicant-petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-16655-2022

Allowed as prayed for.

Documents are taken on record as Annexures A-1 and A-2.

Main case

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 462 dated 05.11.2017, registered under Sections 379-B, 397, 392 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Urban Estate, District Rohtak.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of one Rana Malik, it is stated that he is working as a salesman on a petrol pump and on 05.11.2017, he was on duty along with Pradeep Chunari. It is further stated that two persons came on a motorcycle and asked for petrol of Rs. 100/-. After about

20 minutes, the said persons again came on the same motorcycle and by pointing a pistol, they robbed of Rs. 12,000/-.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody for the last 02 years, 01 month and 11 days.

Learned counsel for the petitioner has referred to the statement of Pradeep Chunari, who appeared as PW-1, wherein after stating about the facts of the FIR, when he was asked to identify the accused persons, then on seeing the petitioner, he has stated that he is not the person, who has snatched the said money from him. This witness was declared hostile and even in cross-examination by the public prosecutor, this witness did not support the prosecution version.

Learned counsel for the petitioner has then referred to statement of complainant/PW-3 Rana Malik, who has also stated on the similar line as of PW-1 and has not identified the petitioner as one of the accused. This witness, in his cross-examination by the public prosecutor, has also not supported the prosecution version.

Learned counsel for the petitioner further submits that except for the aforesaid two witnesses, the other witnesses are the official witnesses and considering the long custody of the petitioner, he may be enlarged on regular bail.

Learned State counsel has filed the custody certificate and has not disputed the factual position, though it is submitted that the petitioner is involved in some other cases.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering

the aforesaid facts and circumstances, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

10.05.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No