

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

227

CRM-M-23319-2022 (O&M)

Date of Decision: 09.12.2022

ARUN

...Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. NK Malhotra, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.733 dated 23.11.2021, registered under Sections 379-B, 341 and 34 IPC, at Police Station Shivaji Colony, Rohtak.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that there are total three accused in the present case; that co-accused, namely, Mangal and Vijay, have already been granted the concession of regular bail by learned Additional Sessions Judge, Rohtak on 16.11.2022; that the complainant, while appearing as prosecution witness before the Court below have not supported the prosecution version and turned hostile and that the petitioner has been in custody since 26.11.2021. He further submits that as far as three other cases registered and/or pending against the petitioner are concerned, the petitioner has been acquitted in one and the remaining two are under trial but the petitioner is on bail in the said cases.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody

period of the petitioner. He, however, submits that the petitioner along with the co-accused have robbed the complainant and snatched a Aadhar card, voter card and Rs.1800/- from him. He further submits that Aadhar card and Rs.500/- were recovered from the petitioner and that out of eight prosecution witnesses, only one has been examined, so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 26.11.2021. Recovery has already been effected from the petitioner. As far as other cases registered and/or pending against the petitioner is concerned, he is on bail. Co-accused have already been enlarged on bail by the learned Sessions Judge. As per the learned counsel for the petitioner, complainant has not supported the prosecution version and turned hostile. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

09.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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