

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

211

CRM-M-31168-2021 (O&M)

Date of decision: 21.03.2022

ISHWAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Munish Kamboj, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The instant petition has been filed under Section 439 CrPC for grant of regular bail to the petitioner in case FIR No.472 dated 09.10.2020 under Sections 379-A of the IPC registered at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the instant case and have placed reliance upon the affidavit dated 09.11.2020 (Annexure P-2) executed by the complainant. It has been stated by the complainant in the said affidavit that he had lost his money as well as the mobile and found it later on. Further, due to misunderstanding, he got the FIR registered against the petitioner and that the matter already stands resolved between them. It is also pointed out that the petitioner is in custody since 03rd December 2020 and only 02 witnesses have been examined so far.

Learned State counsel points out that there are other cases registered against the petitioner. He, however, does not controvert the fact that the complainant has stepped into the witness-box and has not supported the prosecution case and the petitioner is in custody since 03.12.2020.

I have heard learned counsel for the parties.

Taking into consideration the period of custody already undergone by the petitioner in the instant case as also the fact that the complainant has not supported the case of the prosecution. The involvement of the petitioner in other cases is a matter to be seen at the time when such cases come for examination before this Court. However, insofar as the instant case is concerned, the afore-noticed facts do not justify any further incarceration of the petitioner. In view of the above, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

March 21, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>