

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

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CRM-M-31548-2021 (O&M)

Date of Decision: 25.04.2022

VARUN KASHYAP

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.166 dated 19.09.2020, registered under Section 392/34 IPC and Section 25 of the Arms Act, 1959, at Police Station City Gurugram, District Gurugram.

Status report by way of affidavit dated 07.02.2022 of the Assistant Commissioner of Police, City, Gurugram, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner has been in custody since 17.11.2020 and that the petitioner has falsely been implicated in two other cases registered against him, in which he is on bail. He has further drawn the attention of this Court to the order dated 27.11.2020 passed by the learned Judicial Magistrate, vide which the application filed seeking Test Identification Parade of the accused/petitioner was disposed of holding that 'since the complainant had stated that he cannot identify the accused, as they were muffled faced, no purpose would be solved by conducting the Test Identification

Parade'. Still further, it is submitted that there is no such assertion in the FIR that the accused were muffled faced.

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 his accomplices, had entered the showroom of the complainant, in a board day light and had forcibly taken away some articles and that recovery of Rs.55,000/- has already been effected from the petitioner's house. He further submits that there are total 23 prosecution witnesses, out of which four have already been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 17.11.2020. Recovery has already been effected. As per learned counsel for the petitioner, the petitioner is on bail in other cases registered against him. 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 both the sides, 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.

25.04.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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