

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-28851-2022 (O&M)
Date of Decision:- 12.12.2022

Ashok Kumar		... Petitioner
	Versus	
State of Haryana		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Virender Soni, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Pardeep.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No. 442, dated 28.10.2021, Police Station Madhuban, District Karnal, under Sections 379-A, 506, 34 IPC (challan presented under Section 379-B, 506, 34 IPC).
2. The FIR was lodged at the instance of Ram Niwas s/o Kishori Lal wherein it is alleged that on 28.10.202, two boys who had come on a motorcycle, snatched his mobile phone and an amount of Rs.1500/- from him and that while doing so they also threatened to kill him in case he disclosed the same to anyone. The complainant also disclosed the registration number of the motorcycle as HR-07V-4962.
3. It is further the case of prosecution that the police initially arrested co-accused Amardeep pursuant to receipt of secret information against him and upon arrest of said Amardeep he disclosed that the petitioner was accompanying him on the day of occurrence.

4. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that the falsity would be evident from the fact that when the complainant Ram Niwas was examined during the proceedings of trial, he did not support the case of prosecution at all and did not identify the petitioner to be the accused.
5. Opposing the petition, learned State counsel submits that the petitioner has a chequered history and stands involved in two other cases and that as such his involvement in the present case cannot be doubted. Learned State counsel has however, informed that the petitioner has been behind bars since the last more than one year.
6. This Court has considered the rival submissions.
7. Having regard to the fact that the star witness of the prosecution i.e. complainant Ram Niwas (PW-2) has absolutely resiled from his statement when he stepped into the witness box on 16.11.2022 and while also noticing that the petitioner has been behind bars since the last about one year, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.12.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No