

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

220

CRM-M-37442-2021

Date of decision: 24.05.2022

Aman @ Boxer

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr.Lakshay Bajaj, Advocate
for the petitioner

Mr.Saurabh Girdhar, AAG Haryana

HARINDER SINGH SIDHU, J.

This is a petition filed under Section 439 Cr.P.C.for grant of regular bail to the petitioner in case FIR No.49 dated 22.02.2020, registered under Sections 307,379-B,397 read with Section 34 of the IPC, and Section 27 of the Arms Act (Section 201 IPC added later on and Sections 25,54 and 59 of the Arms Act deleted later on), at Police Station Sector 13-17, Panipat.

The allegations against the petitioner are that he along with his co-accused fired at the complainant. Then they ran away with the vehicle and the mobile phone of the complainant. During the trial, the complainant has been examined as PW-1. He has turned hostile. He has denied that the petitioner fired upon him and stole his mobile phone and car. Sanjay, the eye-witness deposed as PW3. He also denied that the petitioner had snatched away the car and the mobile phone of the complainant. Another witness Pawan Sabharwal while deposing as PW2 denied that the petitioner was present at the time of occurrence.

When the matter came up for hearing on November 02,2021,
taking into account the fact that the complainant and the witnesses had

turned hostile and that the complainant had not identified the accused and even the fact that 13 prosecution witnesses remain to be examined, the petitioner was directed to be released on interim bail till 01.02.2022. It was clarified that further orders on the petition would be passed on its merits after considering the conduct of the petitioner and the progress of the trial. Though the other co-accused was granted bail, however the petitioner was only granted interim bail taking into account the fact that the petitioner is involved in 11 other criminal cases.

Mr.Girdhar, learned AAG Haryana states that out of the 19 witnesses, 09 witnesses have been examined, meaning thereby, 10 prosecution witnesses remain to be examined.

It is thus clear that since the last order, only three prosecution witnesses have been examined.

Considering the fact that the co-accused of the petitioner have already been granted regular bail; eye witnesses of the complainant have turned hostile and that the petitioner is in custody since 11.08.2020 and the trial of the case may take long time, no useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

This criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, Panipat.

(HARINDER SINGH SIDHU)
JUDGE

24.05.2022

neenu

Whether speaking/non-speaking: Yes/No

Whether reportable: Yes/No