

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

CRM-M-33987-2022

Date of Decision:-11.11.2022

Satgur @ Sattu.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vikas Bishnoi, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Ms. Amandeep Chhabra, Advocate for the Complainant.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.283 dated 27.12.2021 under Sections 379-A- & 34 IPC later on Section 379-A IPC was deleted and Section 379-B IPC was added registered at Police Station Sadar Tohana, District Fatehabad.

2. The present FIR came to be registered at the instance of Naresh Kumar who stated that he and his cousin Bhupinder Sharma ran a small tea shop near Bus Stand Fatehabad and his cousin Bhupinder was having a Swift Dzire Car which they used to ply as a taxi. On 26.12.2021 at about 10.00 pm two young boys, one of whom was handicapped came to their tea stall and asked to prepare tea. They asked him (Complainant) and

Bhupinder that they want to go to Tohana and a deal was struck for Rs.1800/- between them. He took the car and left for Tohana with the two boys. The handicapped boy sat on the rear seat and other boy sat on the front seat. After going some distance they forcibly got the car stopped. They got him alighted from the car and snatched the car along with mobile phone and fled towards Tohana.

3. The Counsel of the petitioner contends that the recovery has been effected from the co-accused of the petitioner namely Parvinder Singh @ Tiger . The name of the petitioner has figured in the disclosure statement of the co-accused which would be inadmissible in evidence. Even otherwise, the statement of the complainant Naresh Kumar has been recorded as PW-1 and he has not supported the case of the prosecution. Since the petitioner is in custody since 12.04.2022 and only 02 prosecution witnesses out of 18 had been examined, the trial is not likely to be concluded anytime soon and, therefore, he ought to be granted the concession of bail.

4. The Counsel for the State on the other hand contends that two other cases stand registered against the petitioner i.e. FIR No.157 dated 22.08.2020 under Sections 148, 149, 323 and 452 IPC registered at P.S. Didaba, Punjab and FIR No.18 dated 09.03.2022 under Excise Act, registered at P.S. Khannauri (Punjab). He contends that since the petitioner was a habitual offender, he does not deserve the concession of bail. He however, admits that the complainant Naresh Kumar while being examined as PW-1 has turned hostile.

5. The Counsel for the Complainant has accepted the factum of compromise having been effected between the parties and submits that he

has no objection if the petitioner is granted the concession of regular bail.

6. I have heard counsel for both the parties at length.
7. Admittedly, the petitioner is in custody since 12.04.2022. Only 02 of the 18 cited prosecution witnesses have been examined and the complainant Naresh Kumar has turned hostile. In the two other cases registered against the petitioner, he is on bail. In this view of the matter the further incarceration of the petitioner is not required.
8. Therefore, without commenting on the merits of the case, the present petition is allowed and the petitioner-**Satgur @ Sattu** son of Sh. Labh Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 11, 2022
Vinay

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