

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

223

CRM-M-36406-2022

Date of Decision: 28.10.2022

Naveen

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Rajesh Gupta, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0184 dated 17.03.2022 registered at Police Station Kundli, District Sonapat, under Sections 379-B/34 IPC (Sections 392/397 IPC and Sections 28/54/59 of the Arms Act added later on, whereas charges have been framed only under Sections 392/397/34 IPC).
2. The FIR was lodged at the instance of Aasif, wherein it has been stated that he plies an auto-rickshaw and that on 17.03.2022, he was waylaid by two persons, who were coming on a motorcycle and while pointing a pistol, they inflicted an injury and also snatched his wallet containing his Driving License, ATM Card, PAN Card and cash amounting to Rs.1100/-.
3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and came to be arrested on the basis of some secret information, which would hardly carry any evidentiary value.

4. Opposing the petition, learned State counsel has submitted that upon arrest of the petitioner on the same day i.e. the day when offence was committed, the wallet containing driving license and the PAN Card of the complainant were recovered, which would clearly show the complicity of the petitioner. Learned State counsel has further submitted that it is a case where the complainant has sustained an injury and he has also identified the petitioner to be the accused. Learned State counsel has, however, informed that the petitioner is not involved in any other case and that he has been behind bars since the last about 7 months. It has also been informed that as on date none out of the cited 9 PWs has been examined.
5. This Court has considered the rival submissions.
6. Without commenting anything as regards merits of the case, but while noticing that the petitioner has been behind bars since the last about 7 months and otherwise has a clean record and that none of the cited 9 PWs has been examined till date, further detention of the petitioner would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.10.2022

Vimal

(GURVINDER SINGH GILL)
JUDGEWhether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**