

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

**CRM-M-40397-2020
Date of decision: 18.04.2022**

Anuj Singh @ Raja

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Munish Behl, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 55 dated 27.02.2019, registered under Section 392 IPC and Section 25 of the Arms Act, 1959 (Sections 397, 402, 201 of the IPC added later on) at Police Station Kheripul, District Faridabad.

The first petition, bearing CRM-M-41496-2019, was dismissed as withdrawn on 30.01.2020.

Learned counsel for the petitioner, at the very outset, relies upon order dated 16.03.2022 passed in CRM-M-10563-2022, vide which co-accused Shivam Sharma has already been granted the concession of regular bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioner submits that the new ground for filing the present petition is that now the complainant has been examined and he has not identified the petitioner in Court.

Learned counsel further submits that as per

allegations in the FIR, registered at the instance of one Rohit, a driver of an Ola Cab, it is stated that on 27.02.2019, he picked up two passengers from New Delhi and when they reached Faridabad, the said passengers snatched his car.

Learned counsel for the petitioner further submits that co-accused Basant Singh, from whom the car was recovered, has already been granted the concession of anticipatory bail by this Court, vide order dated 26.02.2020 passed in CRM-M-2869-2020.

Learned counsel further submits that as on today, the petitioner is in judicial custody for the last more than 02 years and 09 months.

Learned counsel has referred to the statement of PW-1/complainant Rohit, who, in his cross-examination, has stated that accused persons were not got identified from him by the police by conducting test identification parade.

Learned counsel further submits that even some of the material witnesses, i.e. PW-2 and PW-3, have already been examined and only the official witnesses are left to be examined, therefore, there is no possibility for the petitioner to tamper with the prosecution evidence in any manner.

Learned State, on the basis of the custody certificate filed today in Court, has not disputed the factual position.”

Learned counsel for the petitioner further submits that the petitioner is in judicial custody since 04.06.2019 and since all the material witnesses have already been examined, there is no possibility for the petitioner to tamper with the prosecution evidence. It is further submitted that complainant/PW-1 Rohit has not identified any of the accused persons.

Learned State counsel, on the basis of the affidavit of the Investigating Officer, has not disputed the factual position, however, it is submitted that petitioner is involved in two more FIRs, though it is not disputed that complainant has not supported the prosecution version.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in long judicial custody; aforesaid co-accused has already been granted the concession of regular bail by this Court and also in view of the fact that the complainant has not supported the prosecution version, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

18.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No