

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46230-2021 (O&M)
Date of decision : 31.03.2022

Pawan @ Hanuman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sachin Kaushik, Advocate for petitioner.

Mr.A.K. Sehrawat, DAG, Haryana

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MAHABIR SINGH SINDHU, J.

Present third petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case FIR No. 235 dated 31.08.2018 under Sections 395, 397 IPC, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station, Julana, District Jind.

Brief facts of the case are that complainant was working as salesman at Sankat Mochan Petrol Pump Julana. On 31.08.2018 at about 5:45 PM, complainant along with Satish was sitting near the machines at the petrol pump, then a white RITZ car bearing No.HR-05-1661 stopped near Diesel Machine and in the same diesel was filled for Rs.199/-. Meanwhile, three young unknown boys came out of the car and started roaming here & there. One of them pointed a pistol on the complainant's neck; whereas other on Satish's and started snatching cash. When complainant refused to give the cash, then one of them shouted that "*Mandeep kill him if he is not giving cash*". Thereafter, they fled away from

the spot after snatching the cash while saying that Vijay Kathura drive the car fast. Hence, the present FIR.

Contends that the petitioner was granted interim bail by this Court on 01.12.2021 and till date, he has not misused the concession of bail. Further contends that all the material prosecution witnesses have turned hostile and no one is supporting the prosecution case.

Learned State counsel, on instructions, does not dispute the above factual position.

Heard both sides and perused the paper book.

It transpires that this Court on 01.12.2021 granted interim bail to the petitioner in the following manner:-

“Contends that petitioner is in custody since 14.01.2019; co-accused, namely, Mandeep @ Bacha has already been granted concession of bail by the learned trial Court vide order dated 21.03.2020 and there is no progress of trial.

Learned State counsel seeks time to verify the above factual position.

Posted on 25.02.2022.

Let petitioner be released on interim bail in this case, till the next date of hearing, on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ CJM/ Duty Magistrate, concerned.”

Since the petitioner was granted interim bail by this Court and there is no allegation of misuse of interim protection thus, the above order is confirmed during the pendency of trial, on his furnishing fresh bail and surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

It is clarified that the petitioner shall regularly appear before learned trial Court and in case, there is a violation of the bail order granted

by this Court, the State would be at liberty to move before this Court for recalling the order.

The above observations may not be construed as an expression of opinion on the merits of the case.

31.03.2022
sanjay

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned : Yes/No

Whether Reportable: Yes/No