

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

212

CRM-M-47828-2022 (O&M)

Date of Decision: 22.12.2022

SANDEEP @ HOTHLA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Aakash Dalal, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.161 dated 25.04.2014, registered at Police Station Sadar Bahadurgarh, District Jhajjar, under Sections 379, 328, 411 and 34 IPC.

Status report by way of an affidavit dated 03.12.2022 of the Additional Superintendent of Police, Badli, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner submits that, as per the prosecution version, the complainant was working as a Driver in a truck of a company, namely, M/s Startreu Logistics Pvt. Ltd.; that on 20.01.2014; when the complainant was going from Ludhiana to Railyawas (Dharehera), about 3-4 unknown persons requested for a lift and on the way, they gave some eatables to the complainant and that on eating the same, the complainant become unconscious and the said 3-4

persons took away the truck. He further submits that as many as eight accused, including the petitioner, have been arraigned in the present case; that earlier, the petitioner was granted bail on 01.11.2017, but due to Tuberculosis, he could not appear before the trial Court and ultimately, was declared proclaimed offender on 02.01.2018; that the petitioner was advised bed rest by the concerned Doctor; that co-accused, namely, Pawan, Parveen, Pardeep and Sombir, and co-accused, namely, Rattan Singh have been acquitted by the trial Court, vide judgments dated 14.11.2019 and 18.10.2021, respectively, and that the petitioner has been in custody since 09.08.2022. Still further, it is submitted that complainant, namely, Habib, while appearing as PW-1 before the trial Court, has not supported the prosecution version and turned hostile.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner along with the co-accused had actively participated in the occurrence and that six boxes of T-shirts were recovered from the petitioner. He further submits that the petitioner is a person with criminal antecedents, inasmuch as, two more FIRs have been registered and/or pending against him, though acquitted in one and on bail in the other and that out of total 28 prosecution witnesses, 12 have already been examined.

I have heard the learned counsel for the parties.

The petitioner was initially granted regular bail, who has

now been in custody since 09.08.2022. As per learned counsel for the petitioner, due to Tuberculosis, the petitioner could not appear before the Court below. In another case registered and/or pending against the petitioner, the petitioner stands acquitted in one case and is on bail in the other. The complainant has not supported the prosecution version and turned hostile. Co-accused have already been acquitted by the learned trial Court. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

22.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No