

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-144-2022 (O&M)
Date of Decision:- 30.11.2022

Ashwani @ Rinku

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sachin Kaushik, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Krishan.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No. 336, dated 10.6.2021, Police Station Rai, Sonapat, under Sections 392, 379-B, 341, 427, 34 IPC.
2. The FIR was lodged at the instance of Iqbal wherein it is alleged that on 10.6.2021, when he was going to his factory in his Santro car, then three young boys riding a motorcycle stopped his car and one of them sat on the rear seat of the car and started beating him. The other boy took out a weapon while the third kept the motorcycle engine running. It is alleged that they gave beatings to him and snatched an amount of Rs.4500/- and also wallet.
3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and that falsity will be evident from the fact that when the complainant was examined during the course of trial, he did not identify the accused. Learned

counsel has drawn the attention of the Court to a copy of statement of the complainant (Annexure P-7) which shows that the complainant indeed did not identify the accused to be the person who had committed the offence and consequently he was declared hostile.

4. Opposing the petition, learned State counsel has submitted that since the petitioner himself disclosed about the commission of offence, his complicity cannot be doubted particularly when the petitioner himself has a chequered record having been involved in 5 other cases. Learned State counsel however, could not dispute the fact that the complainant has resiled when he stepped into the witness box. It has also been informed that the petitioner otherwise has been behind bars for the last 1 year and 5 months.
5. This Court has considered the rival submissions.
6. Having regard to the fact that the complainant has resiled from his statement and that the petitioner otherwise has been behind bars for a substantial period of 1 year and 5 months, the petition merits acceptance. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.11.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No