

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

**CRM-M No.53217 of 2022 (O&M)
Decided on: 23.11.2022**

Sunny

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vikas Gulia, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 3rd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.46 dated 29.01.2020 registered under Sections 34, 341, 365, 379-A, 392 of the Indian Penal Code, 1860 (in short 'IPC') and 25/54 of the Arms Act at Police Station Kundli, District Sonapat.

The earlier petitions were dismissed as withdrawn.

Counsel for the petitioner has submitted that the new ground for filing this 3rd petition is that the petitioner is in custody for the last 01 year, 08 months and 10 days and the complainant/injured stands examined and he has not supported the prosecution version and not identified any of the accused.

Counsel for the petitioner has argued that the FIR was registered on the statement of the complainant on 29.01.2022 that when he was coming from his office from Delhi side, 05 unidentified persons

came in another car and took his car at gun-point and had also stolen Rs.15,000/- from him.

Counsel for the petitioner has relied upon the statement of the complainant recorded before the trial Court on 11.10.2022, wherein he has stated about the incident and when the Public Prosecutor asked him to identify the 04 accused present in the Court and 01 accused present through video conferencing, then, the complainant stated that they are not the same persons, who have snatched his documents and money on that day. This witness was later on, declared hostile by the Public Prosecutor and when confronted with the complaint (Ex.PW-2/A), he stated that he has not given any such complaint to the police, however, the police has got his signatures on the blank papers. Lastly, it is argued that the petitioner is in long custody; out of 23 PWs, only 02 PWs have been examined and except the victim/complainant, there is no other eye-witness in the case.

Counsel for the State has filed the Custody Certificate and has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 08 months and 10 days; the victim/complainant turned hostile; the custodial interrogation of the petitioner is not required; out of 23 PWs, only 02 PWs have been examined and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

23.11.2022

<i>yakub</i>	Whether speaking/reasoned	Yes/No
	Whether reportable:	Yes/No