

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2444-2023

Date of Decision: 20.01.2023

Pawan Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Rupinder K. Thind, Advocate, for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.334 dated 02.10.2020 under Sections 379-B/34 IPC, registered at Police Station Sadar Sirsa, District Sirsa.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 04.10.2020 which is more than 2 years and 3 months and only two witnesses have been examined till date. She submitted that it is a case where the allegations were that three unknown persons had come on a motorcycle and they snatched the wallet, Aadhaar Card, PAN Card, Driving Licence, ID alongwith Jio mobile and also the motorcycle. Thereafter, the petitioner has been apprehended and falsely implicated in the present case, although he was not involved in the present case. She submitted that the

complainant has already been examined who himself has not supported the prosecution version and has been declared hostile. She further submitted that the other co-accused namely Mukesh Kumar has already been extended the benefit of regular bail by a Co-ordinate Bench of this Court in CRM-M-29489-2022 on 16.01.2023 and therefore, the petitioner may be considered for the grant of regular bail. She submitted that earlier the petitioner was involved in two more cases but he has since been acquitted in both the cases.

On the other hand, Ms. Nidhi Garg, learned Assistant Advocate General, Punjab has submitted that it is correct that the petitioner has faced incarceration for more than 2 years and 3 months and two witnesses including complainant have been examined.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for more than 2 years and 3 months and as per the learned counsel for the petitioner, he was involved in two more cases but has since been acquitted. As per the learned counsel for the petitioner, the complainant has already been examined and he has not supported the prosecution version. The other similarly situated co-accused who is at parity with the petitioner namely Mukesh Kumar has already been extended the benefit of regular bail by a Co-ordinate Bench of this Court on 16.01.2023. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the

satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

20.01.2023

(JASGURPREET SINGH PURI)

rakesh

JUDGE

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