

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

CRM-M-4929-2022 (O&M)
Date of Decision:-17.02.2023

BIJENDER ALIAS CHINTU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Lalit Kumar, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

CRM-7872-2023

Allowed as prayed for and statement of complainant-Kuldeep is
ordered to be taken on record subject to all just exceptions.

CRM-M-4929-2022 (O&M)

Prayer is for grant of regular bail in case having FIR No.287
dated 27.12.2019 registered under Sections 379-B, 392, 394-B, 397 IPC and
Section 25 of Arms Act at Police Station Barauda, District Sonapat.

The allegations in nut-shell are that the complainant-Kuldeep
reported to the police on 27.12.2019 at about 7:20 pm, three young boys

came on a motorcycle to his petrol pump and asked him to fill petrol in the motorcycle, when he did so, immediately thereafter one of the boys pointed pistol towards him while the other one snatched ₹30,000/-, which was there in his pocket and thereafter all three of them fled away.

The counsel for the petitioner submits that FIR in the present case was registered against unknown persons and during investigation, the petitioner was arrested on 27.1.2020 and no incriminating article was recovered from his possession except ₹300/-. The counsel for the petitioner submits that during trial, the complainant failed to support the case of prosecution as is evident from his statement Annexure P-3. The counsel for the petitioner further submits that it will take considerable time for the trial to conclude and the petitioner is already behind the bars since last 3 years. So prayer is made for grant of regular bail to the petitioner.

The instant petition is resisted by the State counsel, who on instructions from ASI Rambir submits that the petitioner is involved in the incident relating to snatching of ₹30,000/- from the salesman working in a petrol pump. However, the State counsel has not disputed the fact that the petitioner is in custody for the last 3 years and during trial the complainant has retracted from his previous statement. The State counsel further submits that the petitioner is having criminal antecedents.

The counsel for the petitioner submits that in all the other criminal cases faced by the petitioner, he has been granted concession of bail.

I have considered the submissions made by counsel for the parties.

Admittedly the FIR in this case was registered against 3 unknown persons, who snatched ₹30,000/- from the salesman working in a petrol pump in the area of Kathura. The petitioner is in custody for the last 3 years and during investigation no incriminating article was recovered from his possession and further during trial the complainant failed to support the case of prosecution as is evident from his statement Annexure P-3.

In view of the above, as it will take time for the trial to conclude, so no purpose is going to be served by prolonging judicial custody for the petitioner for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

17.02.2023
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No