

CRM-25796-2023 in/and
CRM-M-6175-2023

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2023:PHHC:081035

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

123+241

CRM-25796-2023 in/and
CRM-M-6175-2023

Date of Decision: 02.06.2023

Sunil Kumar @ Sunny

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. K.L. Saini, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-25796-2023

Prayer in this application under Section 482 Cr.P.C. is for grant of permission to place on record the correct Head Note of the main petition in CRM-M-6175-2023.

Application is allowed as prayed for and the correct Head Note is taken on record, subject to all just exceptions.

CRM-M-6175-2023

Custody certificate dated 22.05.2023, filed by learned counsel for the State is taken on record.

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 512 dated

23.09.2022 registered under Sections 323, 341 and 379-B read with Section 34 IPC (Section 325 IPC was added later on) at Police Station Narnaund, Hisar.

According to the prosecution story, the petitioner along with his co-accused-Ajay, Karambir @ Kalu and one son of Randhir Nayak, had stopped complainant-Rajiv Kumar, near bus stand Jind Road, village Rakhi Shahpur at about 10:20 P.M. They snatched Rs.2000/- and one Samsung mobile phone from the complainant and also caused injuries to him.

Learned counsel, *inter alia*, contends that the petitioner has falsely been implicated in the present case. Nothing has been recovered from the petitioner. He is not involved in any other case. By placing on record photocopies of statements of the complainant and other prosecution witnesses already recorded by the trial Court, learned counsel for the petitioner contends that the complainant has been declared hostile as he has not supported the prosecution story. Petitioner is in custody since 16.12.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition. However, he fairly conceded the fact that the petitioner is not involved in any other case.

Keeping in view the facts and circumstances of the case,

period of custody and also the fact that the complainant has already been declared hostile as he has not supported the prosecution story, but without commenting anything on merits of the case, the present petition is allowed.

Petitioner-Sunil Kumar @ Sunny, is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

June 02, 2023
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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No