

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

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CRM-M-6917-2023

Date of decision : 14.02.2023

Mukul @ Mohit

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Shivam Grover, Advocate
for the petitioner.

Mr. Munish Sharma, Asstt. A.G., Haryana
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.36 dated 18.01.2021 registered under Sections 379-B, 392, 395, 397, 412 and 201 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 at Police Station City Sonapat, District Sonapat.

The above-said FIR was registered on a complaint made by complainant-Farid Chand alleging that he is running a Dhaba under the name of Style 'Vaishno Dhaba' on Gohana Road, underneath Railway Bridge near Gol Market. On 16.01.2021 at about 09:30 p.m. 4/5 young boys came to his Dhaba. Out of them, 02 were armed with pistols snatched the cash of Rs.1500/- from his cash box and also snatched his mobile phone.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case on the basis of

disclosure statement made by co-accused which is a very weak type of evidence. The present FIR was registered after a delay of 02 days. The material witnesses i.e. complainant-Farid Chand and his son Sandeep Kumar, who have been examined by the Trial Court as PW-3 and PW-4 respectively, do not support the case of the prosecution and turned hostile. The petitioner is not involved in any other case. Co-accused Shiva @ Kala has already been granted regular bail by this Court vide order dated 12.12.2022 passed in CRM-M-365-2022. The petitioner is in custody since 20.01.2021. Out of 21 prosecution witnesses, 07 have been examined so far. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand, learned State counsel has opposed the present petition on the ground that the petitioner along with his co-accused has actively participated in the alleged offence and there is recovery of Rs.120/- part amount of cash snatched in dacoity from the present petitioner. Therefore, the petitioner does not deserve concession of regular bail and the present petition may be dismissed.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, the facts that the the material witnesses i.e. complainant PW-3 and his son PW-4 have turned hostile, co-accused Shiva @ Kala has already been granted concession of regular bail by this Court and also the fact that the trial likely to take long time but without commenting on the merits of the case, I am of the

considered view that the petitioner deserves the concession of regular bail.

The petitioner-Mukul @ Mohit is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

14.02.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No