

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-10832-2023

Date of Decision:-13.03.2023

Parvinder.

.....**Petitioner.**

Versus

State of Haryana.

.....**Respondent.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vishavdeep Singh Rana, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

None for the Complainant.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.283 dated 27.12.2021 under Sections 379-A- & 34 IPC later on Section 379-A IPC was deleted and Section 379-B IPC was added registered at Police Station Sadar Tohana, District Fatehabad.

2. The present FIR came to be registered at the instance of Naresh Kumar who stated that he and his cousin Bhupinder Sharma ran a small tea shop near Bus Stand Fatehabad and his cousin Bhupinder was having a Swift Dzire Car which they used to ply as a taxi. On 26.12.2021 at about 10.00 pm two young boys, one of whom was handicapped came to their tea stall and asked to prepare tea. They asked him (Complainant) and

Bhupinder that they want to go to Tohana and a deal was struck for Rs.1800/- between them. He took the car and left for Tohana with the two boys. The handicapped boy sat on the rear seat and other boy sat on the front seat. After going some distance they forcibly got the car stopped. They got him alighted from the car and snatched the car along with mobile phone and fled towards Tohana.

3. The Counsel of the petitioner contends that though the petitioner is stated to be the main accused, the statement of the complainant Naresh Kumar has been recorded as PW-1 and he has not supported the case of the prosecution. Since the petitioner is custody since 11.04.2022 and only 02 out of 18 prosecution witnesses had been examined, the Trial is not likely to be concluded any time soon and therefore, he ought to be granted the concession of bail, more so when his co-accused Satgur @ Sattu has been granted the similar relief.

4. The Counsel for the State on the other hand contends that the petitioner is a habitual offender with as many as 15 other cases registered against him, therefore, he was not entitled to the concession of suspension of sentence. He however, admits that the complainant Naresh Kumar while being examined as PW-1 has turned hostile

5. I have heard counsel for both the parties at length.

6. Admittedly, the petitioner is in custody since 11.04.2022. Only 02 of the 18 cited prosecution witnesses have been examined and the complainant Naresh Kumar has turned hostile. The co-accused namely Satgur @ Sattu has been granted the concession of bail vide order dated 11.11.2022 passed in CRM-M-33987-2022. Though the petitioner is undoubtedly an accused in 15 other cases, however, once the complainant

has turned hostile in the present case, the question of conviction of the petitioner is highly unlikely. Therefore, the further incarceration of the petitioner is not required.

7. Therefore, without commenting on the merits of the case, the present petition is allowed and the petitioner-**Parvinder** son of Sh. Bhagwan Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 13, 2023

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