

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

230-CRM-M-12705-2023

Date of Decision: 20.03.2023

SAHIL @ KALA

... Petitioner

VS.

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Rahul Makkar, Advocate for petitioner

Sandeep Moudgil, J. (Oral)

The petitioner seeks regular bail in case FIR No.56 dated 02.03.2021 under Sections 342/392/506/379-B/201 IPC and Section 25 of the Arms Act, registered at Police Station Asauda, District Jhajjar.

Learned counsel for the petitioner contends that the complainant (PW3) as well as the eye witnesses (PW4 to PW6), have not supported the prosecution version and have turned hostile, meaning thereby that the alleged commission of offence has not been confirmed. Moreover, there is no overt act alleged against the petitioner

Notice of motion.

On the asking of the Court, Mr. Ashok Kumar Sehrawat, DAG Haryana accepts notice and has filed custody certificate dated 19.03.2023, which is taken on record. According to which, the petitioner has undergone 1 year 7 months and 18 days of actual custody and has been found involved in 10 other cases, whose details are given in the custody certificate. He asserts that the petitioner is a habitual offender and does not deserve the concession of regular bail.

It is an admitted fact that the complainant and the eye witnesses have turned hostile. The custody certificate also corroborates the custody

period which is actually 1 year 7 months and 18 days and further, the petitioner has been found involved in number of other cases. The case pertains to allegations of snatching cash worth Rs.35,000/- and fleding away with CCTV and DVR. In the light of the fact that the prime witnesses have turned hostile and there is every likelihood that the trial would result into acquittal of the petitioner and also taking into consideration the fact that the trial is likely to take some time, therefore, no fruitful purpose will be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

20.03.2023
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No