

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

231

CRM-M-13872-2023

Date of Decision: 23.03.2023

Manish

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

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

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 22.03.2023, filed by learned counsel for the State is taken on record.

The petitioner has filed the second petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No.186 dated 08.05.2022 registered under Section 379-B read with Section 34 IPC and Section 25 of the Arms Act at Police Station Chandhut, District Palwal.

Briefly, the aforesaid FIR was registered on the complaint of Aman Goyal, on the allegations that on 08.05.2022 three un-identified boys came at his petrol pump and snatched Rs.36,730/- from his salesman-Rakesh. One of the assailant was having a country made pistol and one assailant was armed with *Farsa*. During investigation, CCTV footage was collected from the petrol pump and on the basis thereof, three accused were identified including the petitioner.

Learned counsel for the petitioner, *inter alia*, contends that

the petitioner has falsely been implicated in the instant case on the basis of disclosure statement suffered by his co-accused which is a very weak type of evidence. No test identification parade was conducted by the police. All the material witnesses, namely; PW-1 Rakes Salesman, PW-2 Parvesh and complainant PW-3-Aman Goyal, have been recorded by the trial Court. Copies of their statements are Annexures P-2 to P-4. There are major contradictions in the deposition of aforesaid witnesses. Petitioner is in custody since 12.05.2022. 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 counsel for the State vehemently opposed the submissions of learned counsel for the petitioner and submits that petitioner is involved in two more FIRs of similar nature.

Keeping in view the facts and circumstances of the case, custody period of the petitioner and the fact that statements of all the material witnesses have been recorded by the trial Court, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Manish, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

March 23, 2023*rishu***(ASHOK KUMAR VERMA)
JUDGE***Whether speaking/reasoned
Whether Reportable**Yes/No
Yes/No*