

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14369-2023

DECIDED ON: 24th MARCH, 2023

VINAY KUMAR

....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. S.K. Knojia, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 443, dated 09.11.2022, under Sections 398, 307 and 34 of the Indian Penal Code, 1860 (for short 'the Act') and Section of 25(1-B)(a) and 27(1) of Arms Act, 1959, registered at Police Station DLF Gurugram, District Gurugram.

Learned counsel for the petitioner has contended that the role of the petitioner is only that he was accompanying the other two co-accused namely Dhruv and Antram on a motorcycle who made an attempt to snatch the bag of the complainant and also fired a shot in the air apart from that there is no over act has been attributed to the petitioner. There is also no direct evidence against the petitioner to connect him in commissioning of offence.

Custody certificate of the petitioner filed by the counsel for the State is taken on record. He opposes the prayer made in the present petition on the

ground that a country made pistol and two live cartridges have been recovered

from the possession of the petitioner. Apart from recovery, the role of the petitioner is that he along-with his co-accused Antram has removed the original number plate of the motorcycle used in commissioning of offence.

A perusal of the custody certificate shows that the petitioner has suffered incarceration for a period of 4 months and 1 day and is not involved in any other case of any nature. False implication of the petitioner can be ruled out by looking at the prosecution story wherein an attempt was made to snatch the bag of the complainant but the same could not be snatched and it is also unbelievable that how the assailants, who were armed with pistol were unable to snatch the bag from the complainant who was an empty handed. The occurrence took place on 09.11.2022 at 3 P.M. and the FIR was lodged at 7 PM i.e. after a gap of four hours, which makes the prosecution story highly improbable.

In view of discussions made hereinabove, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is allowed in view of afore-said terms.

However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

24th MARCH, 2023
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*