

SACHIN @ BHURA

VERSUS

...RESPONDENT

Present: Mr. Shivam Grover, Advocate for the petitioner.
Mr. Surinder Kumar Dagar, DAG, Haryana.

VIVEK PURI,J. (ORAL)

1. Custody certificate of the petitioner has been circulated today and the same is taken on record.
2. Sachin @ Bhura-petitioner is seeking regular bail in the case bearing FIR No.17 dated 12.01.2021 under Sections 379-A/392/379-B IPC and Sections 25 and 27 of Arms Act, registered at Police Station City Sonipat, District Sonipat.
3. Briefly, the FIR has been registered on the allegations that on 12.01.2021, two persons came inside the shop of the complainant and snatched Rs.24,000/- and ran towards the road.
4. Learned counsel for the petitioner contends that two co-accused, namely, Mukul @ Mohit and Aman @ Pandit who allegedly went inside the shop and snatched the cash at pistol point have been granted regular bail by the Court of Sessions. The petitioner has been nominated on the basis of the disclosure statement of the co-accused. The allegations against the petitioner are to the effect that he was guarding the place of occurrence when the co-accused snatched the amount from the complainant. The petitioner is in custody for a period of 02 years, 02 months and 22 days. Though, he is involved in two other cases but is on bail in those cases.

Learned State counsel has opposed the bail application on the score that

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the petitioner has been depicted in the CCTV footage indicating that he was guarding the place of occurrence and facilitating the commission of crime by the co-accused. It has been further submitted that out of 13, 10 witnesses including complainant have been examined.

6. Be that as it may, the co-accused who allegedly had snatched the amount from the complainant at pistol point have been granted regular bail by the Court of Sessions. The involvement of the petitioner in facilitating the crime by the co-accused on the basis of CCTV footage will be a debatable and moot point during the course of trial. The petitioner is in custody for a period of 02 years, 02 months and 22 days. Though, he is involved in two other cases but is stated to be on bail in those cases. The complainant has already been examined and it cannot be said that the petitioner can in any manner win over or influence the witnesses. Besides, custody certificate also indicates that the petitioner has been acquitted in two other cases. The conclusion of trial may take some more time. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

7. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. The petition is allowed accordingly.

21.04.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No