

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-21047-2023
Date of decision:-11.12.2023

Harsh... Petitioner

Versus

State of Haryana.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Sushil Jain, Advocate
for the petitioner.

Mr.Ramender Singh Chauhan, AAG, Haryana.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
197	02.05.2022	Sadar, Sonipat	379-B, 34 IPC (later on Sections 392, 397, 411 and 120-B IPC have been added and Section 34 IPC has been deleted)

2. Version of the prosecution is that FIR, Annexure P1, has been registered by Naveen, stating that he is working with a limited company and used to collect cash from private firms for deposit in the company’s account. On the fateful day, he was going to a bank along with his colleague, Shashi Kumar, who was carrying cash of Rs.19,62,039/- in a bag. They were

waylaid and their bag was snatched.

3. By making a reference to the testimony of the complainant – Naveen, and his colleague, Shashi Kumar, who have been examined as PW8 and PW9, counsel for the petitioner submits that both both the star prosecution witnesses have refused to identify the accused persons. He submits that as material witnesses have been declared hostile by the trial Court, the petitioner, who has a clean past and is in detention since 05.05.2022 deserves to be enlarged on bail.

4. *Per contra*, State counsel on instructions has opposed the petition by making a reference to the status report. He submits that all the three accused were apprehended and the looted money has been recovered from them. In particular, he submits that an amount of Rs.5.46 lakhs has been recovered from the petitioner. He has filed Custody certificate dated 09.12.2023, which is taken on record, but could not dispute the antecedents of the petitioner. As per his instructions 42 out of 52 prosecution witnesses have been examined.

5. I have heard counsel for the parties and considered their respective submissions.

6. Petitioner is in detention for the last more than 19 months and the trial is likely to take time to conclude. Additionally, petitioner enjoys unblemished antecedents and both the vital prosecution witnesses have deposed but have been unable to identify the petitioner. The role ascribed to him would be determined by the Trial Court. Therefore, this Court is *prima facie* of the view that the petitioner has made out a case for grant of bail.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.
8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)

JUDGE

11.12.2023

Brij

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No