

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-25658-2023

Reserved on: 30.10.2023

Pronounced on: 02.11.2023

Sunny alias Sahil

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Namit Khurana, Advocate, for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for grant of regular bail in case FIR No.5 dated 10.01.2023 registered at Police Station Partap Nagar, District Yamuna Nagar, under Sections 342/394/201 IPC.

2. As per prosecution allegations, on 10.01.2023 at about 1.30 AM, two young boys armed with danda broke into the room situated in the burial ground of village Arriyawala, gave danda blow to the priest namely Baba Mudrai Nath and took away ₹40,000/- and mobile from his possession. With great difficulty, Baba Mudrai Nath in injured condition woke up Pritam, residing nearby and narrated the incident to him. Several people gathered at the spot. Police was informed and on the statement of Baba Mudrai Nath, FIR was registered.

3. It is contended by ld. counsel for the petitioner that petitioner is not named in the FIR; that he has been falsely implicated;

that complainant Baba Mudrai Nath is the only alleged eyewitness, who has not supported the prosecution version during trial. Ld. counsel has placed on record certified copy of testimony of Baba Mudrai Nath made during trial. Still further, it is contended that petitioner is in custody for the last more than 8 months and so, in these circumstances, he be allowed bail.

4. Ld. State counsel has opposed the bail petition by pointing out towards the gravity of the offence. It is further submitted that petitioner was arrested on 05.02.2023 and during investigation, he suffered disclosed statement and got recovered danda used in the crime and an amount of ₹3000/- i.e., part of the stolen money. It is also contended that petitioner is involved in two more cases. Prayer is made for rejecting the bail petition.

5. Heard.

6. Petitioner is not named in the FIR. The testimony of Baba Mudrai Nath made during trial, certified copy of which has been placed on record, would reveal that though he proved the occurrence, but failed to establish the identity of the accused-petitioner. Rather he specifically stated that accused present in Court (including petitioner) are not those persons, who had caused injuries to him or had stolen his money. The custody certificate reveals that petitioner is in custody since 08.02.2023, though involved in two more cases.

7. Having regard to the afore said facts and circumstances, particularly the testimony of the complainant Baba Mudrai Nath during trial, but without commenting anything further on merits of the case, petitioner is admitted to regular bail on his furnishing requisite bail

bonds and surety bonds to the satisfaction of Ld. trial Court/Duty
Magistrate concerned.

Allowed.

02.11.2023

Vivek

(DEEPAK GUPTA)
JUDGE

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

Yes
No