

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

CRM-M-27803-2022 (O&M)

Date of decision: 04.09.2023

Sanni @ Kalu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ankur Sheoran, Advocate
for the applicant-petitioner.

Mr. Harsh Vardhan Shehrawat, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-35034-2023

Allowed as prayed for.

Documents are taken on record as Annexures P-3 to P-6.

Main Case

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 90 dated 14.06.2021, registered under Sections 34, 342, 365, 379-B of the IPC and Sections 395, 397, 120-B, 201, 435 of the IPC and Section 25 of the Arms Act, 1959 (added later on) at Police Station Rojka Meo, District Nuh.

The first petition, bearing CRM-M-44427-2021, was dismissed as withdrawn on 22.05.2022.

Learned counsel for the petitioner submits that the new ground for filing the present petition is the long custody of the petitioner i.e. more

than 02 years and 02 months and the statement of PW-1 Sant Singh has been recorded, who has stated that his driver has informed that two three persons had kidnapped him with the vehicle and took towards Palwal side. In his cross-examination, he stated that he cannot say as to who looted his vehicle.

Learned counsel for the petitioner refers to the statement of PW-3 Dharmender-driver, from whom the truck was snatched, and submits that while appearing in Court, this witness has not identified any of the accused persons present in Court on the pretext that they had covered their faces with masks and clothes.

Learned counsel further refers to the statement of PW-4 Bantu, a persons who had allegedly seen the accused, and submits that this witness has also not identified the accused and stated that they had covered their faced with clothes, therefore, he was unable to identify.

Learned counsel for the petitioner further submits that though the petitioner is involved in three other cases under Section 379 IPC, however, he is on bail in those cases and all the material witnesses in the present case have already been examined and only some official witnesses are left to be examined, therefore, there is no possibility for the petitioner to tamper with the prosecution evidence.

Learned State counsel has filed the custody certificate and has not disputed the factual position but opposed the bail.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances and also in view of the fact that the

petitioner is in long judicial custody, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

04.09.2023

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No