

way and four young boys, snatched keys of vehicle, cash as well as gold ring, kara, purse etc. and on objection and seeing the passers by they ran away from the spot and hence the FIR was registered.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner neither named in the FIR nor he has been identified by the complainant while appearing in witnesses box and has referred the statement dated 03.10.2023 (Annexure P-3) of the complainant in this regard. He submits that petitioner is in custody since 22.03.2023 and as such prays for grant of concession of bail to the petitioner.

4. On the other hand, learned State counsel has filed the status report/affidavit dated 19.09.2023 of Deputy Superintendent of Police, Dabwali and the same is taken on record. Copy thereof is supplied to the counsel opposite. Learned State counsel pointed out that there is only one case against the petitioner under the Excise Act pending prior to the instant FIR.

5. Learned counsel for complainant submits that the matter has been settled amicably between the parties and as such he has no objection, if the bail petition of the petitioner is allowed.

6. After considering the rival contentions and perusing the record, it transpires that the complainant had lodged the FIR against the unknown persons and it was only on the disclosure statement of co-accused Harmandeep Singh @ Harman that the petitioner was nominated. After completion of the investigation challan has been presented in Court and

during the course of trial complainant Yash Aggarwal had appeared in witness box as PW-1 on 03.10.2023 and made statement (Annexure P-3) wherein he had not supported the case of the prosecution and had categorically denied the accused person in Court including the petitioner to be persons who had snatched their articles at the relevant time. It is submitted by learned counsel for the petitioner that the other eye witnesses namely Deepanshu happens to be the real brother of the complainant and has since gone abroad. This aspect of the testimony of the complainant turning hostile has not been disputed by learned counsel for the State. It is also admitted that as per statement made by counsel for the complainant, the matter has been amicably settled between the parties and he has no objection, if the bail petition is allowed. The petitioner is in custody since 22.03.2023; petitioner is not identified by the complainant as per Annexure P-3 and also the matter is amicably settled between the parties; no useful purpose would be served by keeping the petitioner behind bar any longer. The criminal liability, if any, to the petitioner would be ascertained after conclusion of trial, which may take sufficient long time.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

22.11.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |