

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

CRM-M-46340-2022

Date of Decision: 16.05.2023

Naveen alias Rocky

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present:- Mr. Yashdeep Nain, Advocate,
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

ASHOK KUMAR VERMA, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.345 dated 29.08.2021 registered under Sections 392/379-B/458 of the IPC and under Sections 24/54/59 of the Arms Act, at Police Station Sadar Jhajjar, District Jhajjar.

Learned counsel for the petitioner has argued that as per the prosecution case, the complainant Sandeep who stated that he was working as Manager of liquor vend at village Jahidpur, which is in the name of one Rajesh. One Rahul, resident of District Mainpuri (UP) was working as salesman of that liquor vend. In the night of 29.08.2021, when the salesman Rahul after bolting and locking the liquor vend from inside, was going to sleep three young boys came in Swift Car, colour white and after breaking the lock, put salesman Rahul on pistol point and committed loot of 26

cartoons of English liquor and bear as well as 7 cartoons of country made liquor and fled from the spot threatening the said Rahul. FIR was registered against some unknown persons.

Learned counsel for the petitioner submits that the petitioner was arrested on 14.06.2022 and is in custody since then. The petitioner has been arrested on a disclosure statement of a co-accused namely Sarvan.

Learned counsel for the petitioner has produced in Court today a copy of the statement of the aforesaid Rahul (PW-4), a perusal of which shows that he has resiled from his earlier statement and Public Prosecutor has also requested to declare the said witness hostile.

Learned counsel for the petitioner further submits that the petitioner has been falsely implicated and no recovery has been effected from him. He further submits that the petitioner has been in custody since long time and the trial is also likely to take long time and no useful purpose will be served by further detention of the petitioner in custody.

Learned State counsel strongly opposes the grant of bail to the petitioner as he was actively involved in the present offence and an amount of Rs.1500, out of his share which was obtained by him from the sale of snatched liquor, has also been recovered from the present petitioner.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner and the fact that the prime witness to the occurrence

has failed to identify the petitioner and resiled from his earlier statement and has turned hostile, without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

The petitioner-Naveen alias Rocky, is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

(ASHOK KUMAR VERMA)
JUDGE

May 16, 2023
dharamvir

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO