

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

212

CRM-M-47620-2022 (O&M)

Date of Decision: 09.03.2023

Suraj @ Vicky

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sumit Kumar, Advocate, for
Mr. Baljeet Beniwal, Advocate, for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.360 dated 07.09.2021 at Police Station City Jhajjar, District Jhajjar, under Sections 379-B, 34 IPC and Section 25 of the Arms Act (Sections 120-B, 201, 395, 397 & 412 IPC added later on).
2. The FIR was lodged at the instance of Pawan Kumar, wherein he alleged that on 07.09.2021, when he alongwith Shobit was going on Swift Dzire car bearing temporary registration No.T-0721-HR0524-AP, then 2 boys, who were wearing masks snatched their car.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity would be evident from the fact that when the statement of the complainant i.e. PW-1 Pawan

Kumar was recorded during the proceedings of trial, he did not identify the petitioner to be the person, who had snatched the car in question.

4. Opposing the petition, learned State counsel has submitted that it is a case where the petitioner apparently has been able to win over the complainant. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 1 year and that the petitioner happens to be involved in 1 more case.
5. This Court has considered rival submissions.
6. Having regard to the nature of allegations and also the fact that the complainant while in the witness-box did not identify the petitioner to be person, who had snatched the car and while also noticing that the petitioner has been behind bars for the last more than 1 year, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

09.03.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**