

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

230

CRM-M-47838-2022

Date of Decision: 08.02.2023

Amit @ Pada

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Ms. Veena Hooda, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Status report dated 24.01.2023, filed by way of affidavit of Sh. Ravinder Kundu, Deputy Superintendent of Police, HQ, District Jhajjar, on behalf of respondent-State, is taken on record.

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 88 dated 06.06.2022 registered under Section 379-B IPC (Section 34 IPC was added later on) at Police Station Machhrauli, District Jhajjar.

As per prosecution story, on 06.06.2022, complainant-Ikram with one Shahrukh, had gone to village Kahari for purchasing cattle. At around 12:30 p.m., two boys approached them on a motorcycle make Splender of Black colour and invited them to purchase the cattle. Upon that, the complainant and his companion accompanied the aforesaid boys and ultimately, they reached in the stadium of the village. The name of

one of the motorcyclist was Kudu S/o Krishan resident of village Kahari. Both the boys started beating the complainant and snatched the cash amount of Rs.25,000/-. The complainant raised hue and cry and started running towards village to save himself. The assailants further chased him and again the complainant was beaten by them. An attempt was also made to snatch the empty wallet of complainant.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case on the basis of disclosure statement suffered by co-accused-Kudu, which is a very weak type of evidence. The complainant refused to identify the petitioner at the time of test identification parade. Learned counsel further submits that statements of the complainant and eye-witness, namely; Ikram and Shah Rukh, have already been recorded by the trial Court and both of them have been declared hostile as they have not supported the prosecution version. The petitioner is in custody since 08.06.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, he may be released on regular bail.

On the other hand, learned State counsel has vehemently opposed the prayer for grant of regular bail to the petitioner.

Keeping in view the facts and circumstances of the case, nature of accusation, custody period of the petitioner, declaration of material witnesses i.e. complainant and the eye-witness as hostile and the fact that the trial is likely to take long time, but without commenting on merits of the case, I am of the considered view that the petitioner

deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner-Amit @ Pada, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

February 08, 2023
rishu

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No