

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51423-2022
Date of Decision:-21.03.2023

AMIT ALIAS HAPPY

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Karan Pathak, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.689 dated 23.12.2020 registered under Sections 379-A IPC (Sections 120-B, 201, 392, 397 IPC and Section 25 of Arms Act added later on) at Police Station Thanesar Sadar District Kurukshetra.

The allegations in brief are that on 23.12.2020, 3 unidentified young men intercepted complainant Anil Kumar while he was going on his scooty and then the said unidentified persons snatched his black bag containing 2 mobiles of Samsung make, Rs.1.25 lac and keys of shop and

fled away from there after threatening him by showing country made pistol.

The counsel for the petitioner *inter alia* submits that the FIR in the present case was registered against 3 unknown persons and already 2 of the co-accused are granted bail and petitioner is in custody for the last 6 months. The counsel further submits that during trial, the complainant failed to identify the petitioner while appearing in the witness box as is clear from the copy of testimony (Annexure P-7). The counsel further submits that it will take considerable time for the trial to conclude and no useful purpose will be served by the keeping the petitioner behind the bars.

The instant petition is opposed by the State counsel, who submits that during investigation the petitioner was apprehended and he got recovered of one of the snatched mobile phones of Samsung make belonging to the complainant. However, the State counsel on instructions from SI Surinder has not disputed the fact that the petitioner is in custody for the last more than 6 months and that the complainant in his testimony has not identified the petitioner while appearing in the witness box and that 2 of the co-accused have been already granted benefit of regular bail.

I have considered the submissions made by counsel for the parties.

Undoubtedly FIR in this case was registered against 3 unidentified persons and during investigation of the case, the petitioner was arrested and is in custody for the last more than 6 months. As per Annexure P-7, the complainant while appearing in the witness-box is declared hostile as he failed to identify the petitioner while appearing in the witness box.

In view of the above, as it will take time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

21.03.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No