

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59015-2022 (O&M)
Date of Decision:-20.03.2023

SHUBHAM SINGH @ GUDDU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Ashish Grewla, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

CRM-12960-2023

Allowed as prayed for and statement of complainant (Annexure
P-3) is order to be taken on record subject to all just exceptions.

The application stands allowed.

Main Case

Prayer is for grant of regular bail in case having FIR No.254
dated 30.08.2022 registered under Sections 392, 394, 542, 506, 201, 34 IPC
at Police Station Chhappar, District Yamuna Nagar.

As per the allegations recorded in the FIR at about 1:30 am in
the night of 30th August, 2022 the complainant was sleeping in the liquor

vend, where he was working as a salesman. At that time 4 persons entered the liquor vend after breaking open its door and 2 of them assaulted the complainant with wooden sticks and snatched Rs.3,000/- from the cash box and another Rs.3,000/- and mobile phone from the pocket of the complainant and while going away they also took some liquor bottles with them. Then FIR was registered against unknown persons and during investigation the petitioner was nominated as accused and was arrested.

The counsel for the petitioner submits that during trial complainant Shiv Kumar failed to identify the petitioner and other accused while appearing in the witness box and copy of the said testimony is Annexure P-3. The counsel for the petitioner made prayer that the petitioner be released on bail.

The instant petition is contested by the State counsel, who submits that no doubt the FIR was registered against unknown person but during investigation the petitioner was arraigned as accused and then arrested and he got effected recovery of wooden danda. However, the State counsel has not disputed the fact that during trial the complainant has not supported the case of prosecution as he failed to identify the accused persons including the petitioner.

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

Admittedly in the present case FIR was registered against unknown persons and later on the petitioner was nominated as accused in the present case and thereafter arrested by the police and the petitioner got recovered one wooden danda and after completion of investigation, police

presented the challan and during trial complainant is examined but while appearing in the witness box the complainant failed to identify all the accused persons including the petitioner as is apparent from Annexure P-3. However, it will take considerable time for the trial to conclude, so no purpose is going to be served by prolonging judicial custody of the petitioner.

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.

20.03.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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