

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

**Neutral Citation No.2023:PHHC:159702
CRM-M-59020-2023**

Date of Decision: December 13, 2023

Ajay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. D.S. Gandhi, Advocate for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

1. This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.436 dated 26.12.2021, under Sections 392, 458, 397 and 34 of IPC, 1860 and Section 25 of Arms Act, registered at Police Station Uchana Road, District Jind.

2. As per prosecution allegations, in the intervening night of 25/26.12.2021, complainant Pravin @ Sonu along with Vinod Salesman were present at the petrol pump, when at about 12:15 am, three young men with muffled faces came on a motorcycle having different arms. They pointed pistol towards the complainant and forcibly took away Rs.1500/- from his pocket and about Rs.20-22,000/- from cash box and fled away on their motorcycle. FIR was lodged on the complaint of Pravin @ Sonu, in which, he disclosed that he could not note down the registration number of the motorcycle on which the culprits had come. However, the entire incident was captured in the CCTV

camera and that he can identify them, if shown to him.

3. It is contended by learned counsel that the petitioner has been falsely implicated; that two alleged witnesses, namely, Pravin @ Sonu and Vinod have not supported the prosecution case during trial. Copy of the statements made by both the witnesses during trial have been placed on record, in which they clearly stated that accused present in the Court, who included the petitioner, are not those persons, who had snatched the alleged money on the date of crime.

4. Though learned State counsel, on the basis of status report, could not refute the aforesaid contention to the effect that the eye-witnesses including the complainant have not supported the prosecution case, but learned State counsel opposes the bail on the ground that the incident was captured on the CCTV camera and that petitioner along with co-accused are visible therein.

5. Heard.

6. Having regard to the fact that the complainant and the alleged eye-witness have clearly stated during trial that the petitioner was not amongst the snatchers, and the fact that further trial is likely to take long time to conclude but without commenting anything further on the merits of the case, the petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

7. Allowed.

December 13, 2023

geeta

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking:

Yes/No

Whether reportable:

Yes/No