

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3994-2024
DECIDED ON: 01.02.2024

SONU

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Paras Jagga, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.229, dated 27.08.2018, under Sections 452, 397, 394, 342, 341, 120-B, 201 of IPC and Sections 25 & 29 of Arms Act, 1959, registered at Police Station Julana, District Jind (Annexure P-1).
2. Learned counsel for the petitioner contends that it is a case of false implication, as no identification parade was conducted during the trial proceedings so far and the light of the fact that complainant and other eye witnesses including of the officials of Punjab National Bank have not supported the case of prosecution to identify the present petitioner.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner has suffered incarceration of 5 years, 1 month and 28 days. He submits that witnesses of the prosecution including the complainant and other eye witnesses have turned

hostile, which is evident from the statements attached at Annexures P-3 to P-5 respectively.

4. Be that as it may, considering the fact that the complainant and other eye witnesses have turned hostile, there are chances of earning acquittal by the petitioner before the trial Court, who has already suffered incarceration of 5 years, 1 month and 28 days, as is evident from the custody certificate and on that account, it would be totally unjust and unfair to keep the petitioner behind the bars till the conclusion of trial.

5. In the light of above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

6. The present petition is hereby, allowed.

01.02.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>