



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

234

**CRM-M-8531-2024 (O&M)
Date of decision: 13.08.2024**

DEEPAK

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manjeet Saini, Advocate, for the petitioner.

Mr.Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-7420-2024

Allowed as prayed for subject to all just exceptions.

CRM-M-8531-2024

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.137 dated 09.03.2023 under Sections 379-B, 324, 34 of the Indian Penal Code, 1860 registered at Police Station Sector 29, Panipat, District Panipat.

2. Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to the deposition of the complainant which has been annexed as Annexure P-4, and submitted that a perusal of the same clearly reveals that while stepping into the witness box as PW-2, he was declared hostile. It has been further submitted by the learned counsel that since the material witness in the present case i.e. the complainant already stands



examined, his further incarceration would serve no useful purpose as 17 witnesses still remain to be examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has drawn the attention of this Court to the allegations levelled in the FIR which is annexed as Annexure P-1 and stands reproduced hereinunder :-

“Copy of Complaint is attached herewith. To the SHO, Police Station Sector 29, Panipat. Sir, it is requested that I, Pushpendra son of Siyaram is resident of Nangla Bhojpura police station Sompura, district Kasganj, UP, presently doing a private job in V Block at Phase-III Block 2/14, Gurgaon. I have been working here and there in Gurgaon for about 12 years. Yesterday on 08.03.2023, I came to my in-law's house at Jatal Road Bharti Colony Panipat. I was gone to meet my cousin Pankaj at Kabaddi Road Arjun Nagar at around 08.30 PM in the evening by driving my father-in-law Surajpal's motorcycle HR-42C-7410 Splendor Pro. After our mutual conversation there, me, Pankaj and Pankaj's wife Kamlesh were reached near GT Road Chautala Mode at around 10.30 PM on motor cycle, where motor cycle was stopped. Pankaj and Kamlesh got down while and I was kicking the motorcycle. A white colored car came from Panipat side and stopped near me and asked me what was the matter. Saying this, three young boys got down from the car and all three of them were not wearing shirts. One of them took out the knife and showed it to Pankaj, Pankaj and Kamlesh started crying, to which I said why are you doing this, they stabbed me on my right hand and thereafter, all four people ran towards Delhi along with the car, which I took a photo of the vehicle from my mobile. We all reached the Kisan filling station. The vehicle occupants got suspicious about taking the photo and they also turned the vehicle around and came to the Kisan filling station. After arrived there, they snatched my mobile Vivo with Airtel SIM



no. 7300740420 colored earthy and ran away. I can identify them when they come in front. Then I got my medical done in Government Hospital Panipat vide MLR No.RS/1197/PNP/2023 Dt.09.03.2023. Copy of MLR is attached with the complaint. Legal action should be taken against driver of vehicle Creta No. and above said three other persons and I can identify them when they come in front. Applicant dated 09.03.2023. Pushpendra Singh, Mob. 9813276817”

Learned State counsel has submitted that although the petitioner was not named in the FIR in question however he was one of those three young assailants who had snatched the mobile handset of the complainant after inflicting him a knife injury. Learned State counsel has also submitted that the petitioner has criminal antecedents as he is involved in six other cases. However, learned State counsel, on instructions, has not been able to dispute that the complainant was indeed declared hostile during trial as he failed to identify the petitioner as one of the three assailants who had participated in the crime in question.

4. I have heard learned counsel for the parties and perused the relevant material placed on record.

5. The petitioner has been in custody since 10.03.2023. The sole material witness in the present case i.e. the complainant stands examined and was unable to identify the petitioner as one of the three assailants, resulting in the complainant being declared hostile. Hence, in the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.



6. Accordingly, the instant petition is allowed and the petitioner is extended the concession of bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

August 13, 2024
poonam

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No