

CRR-319-2021(O&M)
Date of Decision: 25.04.2024

SATISH KUMAR @ BULLET
....Petitioner

VERSUS

STATE OF HARYANA
....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Suresh Verma, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

The petitioner, being aggrieved by order dated 03.12.2020 passed by the Court of Principal Magistrate, Juvenile Justice Board, Fatehabad whereby the application filed by the petitioner for grant of regular bail in criminal case having FIR No. 173 dated 29.05.2020 registered under Sections 397, 201, 120-B of IPC and Section 25 of Arms Act at Police Station Bhuna and order dated 09.12.2020 whereby the appeal filed by the petitioner against aforesaid order dated 03.12.2020 has been dismissed by the Court of Additional Sessions Judge, Fatehabad, has filed the present petition.

2. In the present case, FIR was registered on the basis of statement of complainant Mayank Grover wherein he stated that on 29.05.2020, he was travelling in Alto car No. HR20AH-9805 of white colour and at about 4:25 PM he stopped his car near Gorakhpur canal. In the meantime four boys came there on a motorcycle and started

threatening him and asked him to hand over the keys of car and one of

them took out pistol and fired shot and then the said boys snatched keys of car from him and they also took his mobile phone and then they fled away from there in the aforesaid Alto car. During investigation the petitioner who was juvenile was arrested and is in custody for the last more than 3 years and 4 months.

3. Counsel for the petitioner submits that FIR in this case was registered against unknown persons and later on petitioner was falsely nominated as accused and is in custody for the last more than 3 years and 4 months and during trial complainant Mayank Grover failed to support the case of prosecution. Counsel for the petitioner has already produced copy of his deposition which is available on record.

4. Present petition is resisted by the State counsel, who submits that no doubt at the time of occurrence the petitioner was juvenile but he is being treated as an adult for the purpose of trial. It is further submitted that petitioner along with his co-accused snatched car belonging to the complainant. However the State counsel on instructions from SI Pawan Kumar has not refuted the fact that during trial the complainant failed to identify the present petitioner.

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

6. Admittedly, FIR in this case was registered against the unknown persons. Further it appears that during trial material witness namely complainant Mayank Grover did not identify the petitioner.

7. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

8. In view of the above, without commenting on the merits of

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released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Pending application, if any, also stands disposed of.

25.04.2024
Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

1. Whether speaking/reasoned:

Yes/No
2. Whether reportable:

Yes/No