



CRM-M-18103-2024

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**225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-18103-2024
Decided on : 10.12.2024

Nitin Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Robin Singh Hooda, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.317 dated 18.09.2022 under Sections 379-B, 392, 34 IPC and Section 25 of Arms Act registered at Police Station Sector 6 District Bahadurgarh.

2. Learned counsel for the petitioner contends that after the petitioner was arrested on 26.10.2022 in a case of false implication, the complainant, who is the most material witness in the instant case, already stands examined. Hence, further incarceration of the petitioner in the present case would serve no useful purpose, more so, when it is the case of the prosecution itself that the petitioner had not inflicted any injury much less with a fire arm upon the person of the complainant.



3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Pawan, has not disputed the custody period of the petitioner nor has he disputed that the sole material witness i.e. complainant has since been examined before the trial Court.

4. On a further query, it has also not been disputed by the learned State counsel that 14 more prosecution witnesses remain to be examined. However, learned State counsel, on instructions, submits that while stepping into the witness box, the complainant had categorically identified the petitioner as being one of the two assailants, who after entering the shop of the complainant, had snatched her bag containing cash, at gun point.

5. On a pointed query put to the learned State counsel, he, on instructions, has not disputed that in the occurrence in question, no injury was sustained by the complainant. However, it has been contended that a CCTV footage, which was retrieved from the place of occurrence, clearly reflected the presence of the petitioner at the relevant time at place of occurrence. Learned State counsel has also submitted that the petitioner is involved in two other criminal cases including a case under the Arms Act and one criminal case registered at Delhi.

6. Learned counsel for the petitioner has, however, controverted the instructions received by the learned State counsel qua the petitioner's involvement in a criminal case at Delhi by submitting



that the petitioner already stands discharged in the said case on 23.01.2024; qua the other case under the Arms Act, it has been submitted that the petitioner has since been enlarged on bail.

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

8. The petitioner has been in custody for more than two years, having been arrested on 26.10.2022. The sole material witness in the present case that is complainant stands examined. Hence, there can be no possibility of the petitioner tampering or influencing the witnesses. The trial would take considerable time to conclude.

9. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. 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.

11. 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.

10.12.2024
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(MANJARI NEHRU KAUL)
JUDGE

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