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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-28346-2024 (O&M)
Date of Decision:- 04.06.2024

AJAY KUMAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Manu Sachdeva, Advocate for
Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
209	17.08.2023	25 of the Arms Act, 1959; 34 and 379-B IPC (Sections 392, 397, 201, 285, 120-B IPC added and Sections 34 and 379-B IPC deleted later on)	B.P.T.P. Faridabad, District Faridabad

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He contends that the petitioner has not committed the alleged crime and after his arrest along with other co-accused, challan has been presented in the Court.



During the course of trial, the prosecution has examined the complainant/eye-witness of the case namely Ankush Kumar on 03.05.2024 and during the course of his testimony, he has categorically stated that the petitioner was not the person, who had snatched his briefcase or fired upon him. He submits that apart from the said witness, there is no other witness to the occurrence and all the other witnesses happen to be official/formal witnesses. The prosecution has cited 35 witnesses in all and their examination will take sufficient long time. He thus prayed for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel has submitted that the petitioner is facing two more criminal cases although as per the custody certificate, he is on bail in those cases. He submits that considering the gravity and nature of offence, petitioner is not entitled to the concession of bail.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that the instant case was registered at the instance of the complainant on the allegation that on the fateful day, three persons entered his shop and by putting him on gun-point, had snatched the briefcase of the complainant containing Rs.55,000/-. During the course of investigation, the petitioner alongwith other co-accused was arrested in this case and after the completion of investigation, challan was presented in Court for trial. Admittedly, during the course of trial, the complainant-Ankush Kumar has been examined as PW-1 on 03.05.2024. The testimony of PW1-Ankush



Kumar has been placed on record as Annexure P-1, which would reveal that during the course of his examination, the complainant has not identified the petitioner to be one of the assailants. The petitioner is in custody since 21.08.2023 and the prosecution has cited 35 witnesses. Admittedly, apart from the complainant, who has already been examined, all the other witnesses happen to be official/formal witnesses and their examination will take sufficient long time and the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

04.06.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |