

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-33573-2023

Date of Decision:-20.02.2024

Kuldeep @ Pilli.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rajesh Lamba, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.125 dated 23.02.2022 under Sections 379-B, 411, 201, 34 IPC (Section 379-A) registered at Police Station City Fatehabad.

2. The present FIR came to be registered at the instance of Ashok Kumar son of Sh. Ratiram which reads as under:-

“ To chowki incharge, bus stand Chowki, Fatehabad. Sir, it is prayed that I. Ashok Kumar, son of Ratiram caste, Jat, am a resident of village Daiyar district Fatehabad. My wife my wife Sunita Devi was admitted in government Hospital Fatehabad. On 18-2-22, at approximate 10 PM, I was going to Kalu Ram hotel at Anaj Mandi for bringing food and milk. When I reached at Anaj Mandi, then 3 persons came on one motorcycle behind me and caught me and snatched purse from my pocket. I had Rs.28,000. Then I took care of myself and ran after them. They ran away from

the spot on the motorcycle. I at my own level searched for them then one was Pilli son of Ashok Kalia, resident of Kabir Basti, Fatehabad and other Shankar son of unknown and one unknown person. Till now I was searching at my own level. Strictest legal action be taken against above named three accused and the money which has been snatched from me be returned and they be punished. Thanking you. SD Ashok Kumar, son of Ratiram resident of the Daiyar, MO. 9992746600, dated 23/2/2022."

3. The Counsel for the petitioner contends that he has been falsely implicated in the present case. The complainant appeared in the Court as PW-2 did not support the prosecution case and was therefore declared hostile. As the petitioner was in custody since 16.04.2022 but only 02 out of the 12 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and, therefore, the petitioner was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioner was duly named in the FIR and was also visible in the CCTV footage. Further he was a habitual offender with as many as 03 other cases pending against him along with the one case in which he stands convicted. Therefore, his antecedents did not entitle him to the grant of bail.

5. I have heard learned Counsel for the parties.

6. Admittedly, the complainant Ashok Kumar has not supported the prosecution case and has turned hostile. Whether the remaining evidence available on record is sufficient to affix the guilt of the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. He is in custody since 16.04.2022 but only 02 out of 12 prosecution witnesses had been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required even though he is an accused in

other cases.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Kuldeep @ Pilli** son Sh. Ashok is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present one.

9. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 20, 2023
Vinay

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