



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M No.41817 of 2024
Date of Decision: 03.09.2024

Virender @ Billu ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nikhil Vats, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
445	19.09.2023	Gohana City, Sonipat	379-B and 34 of IPC and 25 of Arms Act, 1959

2. Brief facts of the case, relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of complaint lodged by the complainant Sandeep alleging therein that on 18.09.2023 at about 11 PM, he was sitting at his shop running under the name and style of Amul Milk Shop, when two youths riding on a splendor motorbike reached there. He identified one of them as the petitioner and the second one was unknown to him. Both of them came

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inside his shop. The petitioner who was carrying a countrymade pistol pointed towards the complainant and the other youth took a sum of Rs.3000/- from his pocket. The complainant raised alarm but both of them assaulted him and then fled from the spot. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 20.09.2023. After completion of necessary investigation and usual formalities, challan was presented against him and presently, he is facing trial for commission of the aforementioned offences. An application for grant of regular bail filed by him had been dismissed by the learned trial Court vide order dated 14.08.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 20.09.2023. There was delay of 20 hours in lodging of the FIR. The complainant and the eye-witness have been examined and neither of them has identified the petitioner, as one of the snatchers. The trial is likely to take time. No incriminating evidence has come on record against him. His further detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel who has advance notice of the petition is ready to argue and has submitted that the petitioner has criminal antecedents and ten other cases are registered against him, some of which are of similar nature. It is argued by him that keeping in view the gravity of the allegations levelled against the petitioner, he does not deserve to be extended benefit of bail.

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5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.
6. The petitioner along with the co-accused is alleged to have snatched an amount of Rs.3,000/- from the complainant. The complainant Sandeep and witness Ranbir have been examined before the learned trial Court as PW-2 and PW-3 respectively. Copies of their statements have been placed on record of this petition and a perusal of the same reveals that the complainant did not identify the petitioner as the assailants and also denied that he had taken the name of the present petitioner before the police at the time of lodging of the FIR. PW-2 has also not made any deposition as against the petitioner. Keeping in view the nature of the evidence which has come on record in the form of testimonies of material witnesses, the period of incarceration of the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that no useful purpose would be served by detaining the petitioner in custody any more. Hence, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

03.09.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No