



106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45322-2024(O&M)
Date of Decision:12.11.2024

VIKASH AND OTHERS

....Petitioners

VERSUS

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Mohit Nehra, Advocate for the petitioners.
Mr. Parveen Kumar Aggarwal, Deputy A.G., Haryana.
Mr. Sharad Choudhary, Advocate for the complainant.

KARAMJIT SINGH, J.

CRM-44717-2024

For the reasons stated in the application coupled with no objection pleaded by the State counsel as well as counsel for the complainant, the present application is allowed and documents Annexure P-6 to Annexure P-16 including the attested copies of depositions of PW1 to PW9 are taken on record subject to all just exceptions.

CRM-M-45322-2024

Prayer in the present petition under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioners in case FIR No.109 dated 01.05.2024 registered for the offences punishable under Sections 341 and 379-B of IPC at Police Station Siwani, District Bhiwani.



2. The allegations in nutshell are that on 30.04.2024 at about 10 P.M. the truck driven by complainant Narender was intercepted by one Bolero car out of which four unidentified persons came out and they started assaulting the complainant and snatched Rs.25,000/- and then the said persons went away in the same Bolero Car No.HR18-B3635. During investigation, the petitioners were nominated as accused and later on arrested.

3. Counsel for the petitioners *inter alia* submits that the FIR in this case was registered against unknown persons who are alleged to have snatched certain cash from complainant Narender after intercepting his truck with the help of one Bolero car. It is further submitted that during trial complainant while appearing in the witness-box as PW7 failed to identify the accused persons and the copy of his testimony is placed on record. It is further submitted that the alleged Bolero car is not owned by the petitioners. Counsel for the petitioners further submits that petitioners are in custody for the last more than 6 months and it will take time for the trial to conclude and in the given circumstance, no purpose is going to be served by prolonging the judicial custody of the petitioners who are having no criminal history.

4. Present petition is resisted by the State Counsel, who on instructions from ASI Ramesh Kumar submits that during investigation of the case, the petitioners were nominated as accused and arrested and Bolero car used in commission of crime was recovered from their possession. However, the State counsel has not disputed the fact that



trial is going on and during trial complainant while appearing in the witness-box has failed to identify the petitioners.

5. Counsel for the complainant has not disputed the fact that in his deposition complainant Narender has not identified the petitioners to be the persons who snatched cash from him at the time of occurrence.

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

7. Admittedly, the FIR in this case was registered against unknown persons and later on the petitioners were arrested but no test identification parade was conducted and furthermore during trial complainant Narender while appearing in the witness-box as PW7 has not identified the petitioners in the Court. However, it will take time for the trial to terminate. In light of the above, no gainful purpose is going to be served by keeping the petitioners in custody for any longer period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioners are ordered to be 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.

(KARAMJIT SINGH)
JUDGE

12.11.2024
Priyanka Thakur

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