

**214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Neutral Citation No. 2024:PHHC:019668
CRM-M-48330-2023**

Date of Decision: February 13, 2024

Akshay Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Govind Chauhan, Advocate for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.347 dated 17.06.2023, under Sections 34, 379-B IPC (Sections 201, 120-B IPC added later on), registered at Police Station Gharaunda, District Karnal.

2. Learned counsel for the petitioner has placed on record the copies of the statements of complainant – Parveen Wadhwa and another witness, namely Ravi made during trial, so as to contend that none of them had deposed anything against the petitioner.

3. As per allegations of the prosecution, on 16.06.2023, two boys on a splendor bike, waylaid complainant Parveen Wadhwa and his worker Ravi. Both of them armed with danda, lathi and knife, gave injuries to the complainant and his worker Ravi and snatched ₹30-35,000/- besides mobile of Ravi.

4. Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that none of the material witnesses have supported the prosecution case, qua the role of the petitioner.

5. The testimony of PW-1 Parveen Wadhwa, the complainant of the case made during trial would reveal that he proved the occurrence and identified three accused, namely, Juned, Rinku and Gulzar, but did not identify the 4th accused (petitioner Akshay Kumar). Similar is the statement of PW2-Ravi.

6. Learned State counsel could not refute the aforesaid contentions.

7. Custody certificate placed on record would reveal that petitioner is in custody for the last 07 months and 10 days, with no other criminal case pending against him. However, learned State counsel submits that one more case is pending against the petitioner.

8. Having regard to the fact that the complainant of the case and other material witness have not supported the prosecution case as far as the petitioner - Akshay Kumar is concerned, but without commenting anything on the merits of the case, he is admitted to bail. He is ordered to be released on regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

February 13, 2024

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No