

S. No.106+232

2024:PHHC:008548

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49251 of 2024 (O&M)

Date of Decision:23.01.2024

Tarun

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. V.P. Sangwan, Advocate for the applicant- petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J. (Oral)

CRM No.2768 of 2024

This is an application to place on record statements of witnesses Azad and Manoj Kumar as Annexures P.4 and P.5 and to exempt filing certified copies thereof.

Notice in the application.

Mr. Randhir Singh, Addl. AG, Haryana, accepts notice on behalf of the respondent- State. Learned State Counsel has no objection.

Application is allowed. Annexures P.4 and P.5 are taken on record.

CRM-M-49251 of 2023

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.0399 dated 04.06.2021 under Sections 34, 392, 427, 452 IPC and Section 25 of Act No.54 of Arms Act, 1959 (Sections 120B and 285 IPC, 1860 added during investigation) at Police Station Hisar Sadar, District Hisar.

Allegations are that on 04.06.2021, at about 09:35 PM, three boys came on a bike at Petrol Pump, scuffled with Salesman threatened him

with pistol, broke the phone and office LED and robbed Rs.34,255/- and that occurrence was captured on CCTV Footage.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR; that material witnesses, namely, Azad, the complainant and the Manager of the Petrol Pump; and Manoj Kumar, the salesman have already been examined and they have not supported the prosecution case. It is also pointed out that during the testimony of PW2 Manoj Kumar, the Pen Drive, allegedly containing the CCTV footage was tried to be played in the Court but no footage was found.

Learned State Counsel could not refute the afore-said contentions. Petitioner is in custody for the last 01 year 06 months and 07 days as per the custody certificate, though involved in two more cases.

Having regard to the afore-said facts and circumstances, when the material witnesses have not supported the prosecution case and also considering the custody period undergone by the petitioner, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

January 23, 2024

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No