

2024:PHHC:052073

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-51763-2023
Date of decision : 18.04.2024

Amit @ Mitta Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Jitender K. Sehrawat, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.032 dated 05.02.2021, registered for the offences punishable under Sections 392 and 397 of IPC, 1860 and Section 25 of Arms Act, 1959 at Police Station Narwana City, District Jind.

2. As per the contents of the FIR, it was alleged as under:-

“To, SHO, P.S. City Narwana. Sir, It is requested that I Jaipal son of Sh. Om Parkash, caste Mahajan, am permanent resident of Kishan Chand Colony, Narwana, District Jind. I have a shop of commission agent, under the name of Om Trading Company at Fair Ground, Mandi Narwana. I had to take money from M/s Mailly Ram Ramesh Kumar Firm, Fair Ground, Mandi Narwana. I went to the shop of them, then they said our accountant Vijay & Sonu has gone to HDFC Bank Railway Road,

2024:PHHC:052073

Narwana for taking cash, you go there and take your money from accountant. Thereafter, I went to Bank. I took Rs.8 Lakhs 85 thousand from accountant Vijay and after keeping the same in the dicky of scooty, I started for my house. When I reached near Stree Bhawan at Araya Nagar then three boys came from behind me on a motorcycle and stopped me. Then they pushed me and my scooty fell down on the street and the Dicky lock of scooty opened and they took out whole money from Dicky. When I opposed them then one boy out of them fired a shot in the air due to which I got scared and step back. Those boys ran away from the spot while seating on their motor cycle after snatching my Rs.8 Lakhs 85 thousand rupees. Thereafter, may women and people gathered there. Then due to nervousness they took me to my house. Now I gain conscious. Therefore, it is requested to you strictest legal action be taken against the above three boys and my money be get recovered. Thanking you. Sd/ Jaipal son of Om Parkash, caste Mahajan, resident of Kishan Chand Colony, Narwana, M.No. 9416925111 dated 05.02.2021.”

3. Petitioner was nominated on the basis of CCTV footage. Counsel for the petitioner submits that the petitioner is behind bars for more than 03 years, 01 month and 25 days. The complainant has not supported the case of the prosecution. Trial has proceeded considerably as 20 out of 28 witnesses already stand examined and thus there cannot be any apprehension that the petitioner shall tamper with the evidence.
4. Bail plea is opposed by the State counsel claiming that the petitioner is facing 04 more cases of almost similar nature. Counsel for

2024:PHHC:052073

the petitioner submits that out of four, petitioner has already earned acquittal in two.

5. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner, the fact that the trial is not likely to conclude in the near future and the fact that the complainant has not supported the prosecution, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

18.04.2024

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No