



CRM-M-51854-20241

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-51854-2024

Date of decision : October 24, 2024

Shantanu.....Petitioner

Versus

State of Haryana.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms Sharmila Sharma, Advocate, for the petitioner
Mr. Abhinash Jain, DAG, Haryana

KULDEEP TIWARI,J. (ORAL)

1. Through the instant petition filed under Section 483 of the BNSS, 2023, the petitioner prays for grant of regular bail in case FIR No. 431 dated 11.9.2023, under Sections 398 read with Section 34 IPC, and 25 of Arms Act (Challan filed under Section 379B read with Section 34 IPC and 25 of Arms Act), registered at Police Station City Gohana, District Sonipat.
2. The prosecution agency was set into motion on a complaint made by Rishab, alleging therein that two persons with muffled face came in the jewellery shop of the complainant, and tried to snatch money from them. In the meantime, the father of the complainant was coming, and on seeing him, all the three assailants fled away from the spot. The third

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accomplice was standing outside the shop and they all fled away on the said motorcycle. In the instant case, the petitioner was arrested on 5.3.2024.

3. Learned counsel for the petitioner, in asking for the relief of regular bail, submits that the star eye witnesses i.e. Rishab Jain and Parveen Jain, were examined by the prosecution as PW1 and PW2 respectively, and both these witnesses have not identified the petitioner as one of the assailants, therefore, the prosecution has miserably failed to establish its case against the petitioner, for which, she has placed reliance on Annexures P/3 and P/4. She further submits that though the petitioner is involved in one other criminal case, but in that case the petitioner is already on bail. In the instant case he has already suffered incarceration of more than 07 months, as on today.

4. Learned State counsel while opposing the grant of regular bail to the present petitioner, has placed on record the custody certificate of the petitioner, which reflects that the petitioner has suffered incarceration of 07 months, 19 days, as on today. He further informed this Court that out of total 18 witnesses cited by the prosecution in the final report, only 2 witnesses have been examined so far.

5. Be that as it may, without commenting upon the merits of the case, and considering the incarceration suffered by the petitioner, the fact that the main star eye witnesses have turned hostile, and the trial is at the initial stage, this Court deems it appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.



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6. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.
7. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

October 24, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No