

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

235

CRM-M-15971-2024 (O&M)
Date of Decision:- 09.01.2025

VISHAL ALIAS TUNDA

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. S.S. Sahu, Advocate for
Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

1. Report from learned District & Sessions Judge, Fatehabad has been received along with the statement of complainant examined as PW-5, which is taken on record.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
458	26.08.2023	341, 379-A and 34 IPC	City Fatehabad, District Fatehabad

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He



submits that the petitioner has no concern with the allegations levelled in the FIR and he has been falsely roped in the present case. It is submitted that even consequent upon the arrest of the petitioner on 27.08.2023, no recovery was effected from him and during the course of trial even the complainant while appearing as PW-5 has not lent any support to the case of prosecution and has given clean chit to the petitioner. Thus, prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report submitted by the State has opposed the bail petition by submitting that the petitioner is involved in four other criminal cases out of which he has been convicted in one. Thus, prays for dismissal of the bail petition.

6. Heard learned counsel for the parties and perused the record.

7. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the complaint moved by one Anil Kumar alleging that on 25.08.2023 at about 10:30 PM, when he was going back to his house on his pedal rickshaw, then three young boys stopped his rickshaw and snatched ₹400 from his pocket, besides snatching the rickshaw. Thereafter the complainant named the petitioner along with two other persons to be the culprit. Accordingly, the FIR was registered and accused were arrested. After the completion of investigation, challan was presented in Court.

8. During the course of arguments, the statement given by the complainant during trial as PW-5 has been perused, which reveals that he has not identified the present petitioner to be one of the accused, who had



snatched his rickshaw and ₹400 on the fateful day. Admittedly, the petitioner is in custody since 27.08.2023 and although he is involved in four more cases but has been convicted in one, however, he has been acquitted in one case and he is on bail in other cases.

9. Considering the fact that the petitioner has not been connected with the commission of offence by the complainant while appearing in the witness-box and the fact that the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time, no purpose would be served by detaining the petitioner in custody any longer.

10. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

11. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

09.01.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No