



CRM-M-59931-2024

-1-

(211)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59931-2024

Date of Decision: 09.01.2025

SAGAR

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sube S. Kaushik, Advocate
for the petitioner.

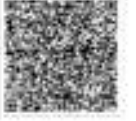
Ms. Jasleen Chahal, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in this second petition under Section 483 of BNSS, 2023 is for the grant of regular bail in case bearing FIR No.137 dated 05.05.2023 (Annexure P-1) registered under Section 379-B of IPC and Section 25 of Arms Act (Sections 392, 397, 411 IPC added later on) at Police Station Sadar Gohana, District Sonapat.

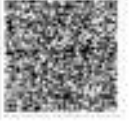
2. The present FIR came to be registered at the instance of Surender S/o Ramphal and the same reads as under:-

“Sir, it is submitted that I Surender son of Ramphal is the resident of Badohti Khas and I am working as Salesman at Saheed Bhim Singh Filling Station, Village Mundlana. Today on 4-5-2023 at around 11.00 P.M., two boys came on a bike make Splendor and asked me to fill petrol of worth ₹ 200/-, they gave me ₹ 500/- and when I started giving them the remaining ₹ 300/- to them, then the pillion rider of the bike took out a pistol and pointed it on my stomach and snatched

**CRM-M-59931-2024****-2-**

₹12,000/- from me and fled away from the spot on bike. Legal action be taken against these unknown bike riders. SD Surender 9050288553.”

3. During the course of the investigation, the petitioner and his co-accused came to be nominated as accused in the present case.
4. The learned counsel for the petitioner contends that the complainant-Surender witnesses Kanwar Bhan and Harish owner of the petrol pump have not supported the prosecution case. As the petitioner was in custody since 25.05.2023 but only 03 of the 19 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.
5. A status report dated 08.01.2025 by way of an affidavit of Jeet Singh, HPS, Asstt. Commissioner of Police, Kharkhoda, Sonipat has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, she contends that the petitioner along with his co-accused have committed a serious offence and as such, he was not entitled to the concession of bail moreso when he was a habitual offender with four other cases of a similar nature registered against him. She, however, has not disputed the fact that the witnesses had not supported the prosecution case, that the petitioner was in custody since 25.05.2023 and that only 03 of the 19 prosecution witnesses had been examined so far.
6. I have heard the learned counsel for the parties.

**CRM-M-59931-2024****-3-**

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 25.05.2023 but only 03 of the 19 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sagar S/o Shri Karambir is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

09.01.2025

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No