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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Date of decision:-17.01.2025

1. CRM-M-62557-2024

HARVINDER SINGH DHOT ALIAS PRINCE

... Petitioner

Versus

STATE OF HARYANA

... Respondent

2. CRM-M-63649-2024

GURVINDER SINGH ALIAS SUNIL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. D.S. Virk, Advocate for the petitioners.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Both the bail petitions arising out of the same FIR are taken up together for disposal.

2. Reply filed in registry in CRM-M-62557-2024 by way of an affidavit dated 11.01.2025 of Deputy Superintendent of Police, Guhla is taken on record.

3. The instant petitions have been preferred by the petitioners under Section 439 of the Criminal Procedure Code for grant of regular bail in

the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
56	22.02.2024	379-B(ii), 201, 34 IPC (later on addition of Sections 379-B(ii), 201, 34 IPC by deletion of Sections 25 of Arms Act, 394, 397 IPC)	Guhla, District Kaithal

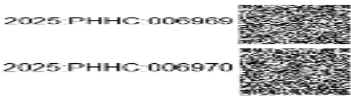
4. Arguments heard.
5. It is *inter alia* contended by learned counsel for the petitioners that the petitioners are innocent, and have been falsely implicated in this case and they are in custody since 11.03.2024. After completion of investigation challan was presented in Court as such, they are not required for further investigation. He submits that even during course of trial the material witnesses namely Sonu Ram, complainant and the eye witnesses have turned hostile and have not lent any support to the case of the prosecution. The prosecution has cited 15 witnesses in the challan and out of them 3 witnesses have been examined and all of them being material witnesses have turned hostile and no purpose would be served by detaining them in custody. Hence prayed for grant of regular bail to the petitioners.
6. *Per contra*, learned State counsel referring to the reply submitted by the State has assailed these arguments and prayed for dismissal of the bail petitions by submitting that the petitioners have snatched the earrings from the complainant by putting them under the fear of revolver. He submits that the earrings have been recovered. On a query, he admitted that no revolver was recovered in this case and further admitted that the material witnesses including the complainant and eye witnesses had turned hostile and



had not uttered anything against the petitioners.

7. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the complaint of Sonu Ram stating that on 22.02.2024 at about 06:00 am his mother Ram Ratti alongwith his aunt Neelam were out for a walk on Sultania Plot Road, two unknown persons on scooty looted them by putting revolver on Ram Ratti while the other threatened with dire consequences and removed the gold tops, gold chan and gold mangal sutra of Neelam and gold chain and gold ring of Ram Ratti and this snatching leads to a cut on the ear of Ram Ratti. Injured were taken to the hospital, on these allegations FIR was registered and petitioners were arrested. Admittedly the petitioners were arrested on 11.03.2024 and possible recovery had been effected. After conclusion of investigation challan has been presented in Court for trial. The material witnesses of the case namely Ram Ratti, Neelam, and Sonu Ram being complainant and eye witness have been examined but they have not uttered anything against the present petitioners nor have they identified them to be the assailants. The prosecution has cited 15 witness and only 3 material witness have been examined so far, the conclusion of trial will take sufficient long time.

8. In these circumstances, considering the fact that the material witnesses have not lent any support to the case of prosecution, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioners behind bars. Therefore, both the present petitions are allowed. The petitioners are ordered to be released on bail



subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the county without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

- 9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
- 10. Photo-copy of this order be placed on the connected file.

(SANJIV BERRY)
JUDGE

17.01.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |