

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M No.30045 of 2018
Decided on: 24.07.2018**

Abhishek @ Bachi

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Balkar Singh, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.78 dated 30.01.2018, for offence punishable under Sections 323, 324, 341 read with Section 34 of the Indian Penal Code (in short 'IPC') (Section 379-B IPC added later) registered at Police Station City Jagadhri, District Yamuna Nagar.

Counsel for the petitioner has submitted that as per the allegation in the FIR, 03 persons with muffled face, riding a scooter had taken away the laptop of the complainant. It is further submitted that the petitioner is not involved in any such or similar case and he is a young man aged about 18 years and there is possibility of some improvement in his character.

Counsel for the petitioner has further argued that the

statement of the complainant as well as the eye-witness is recorded and they have deposed that they cannot identify the assailants. It is further submitted that the laptop of the complainant was recovered from the co-accused Bobby.

Counsel for the State, on instructions from SI Ajay Pal, has submitted that out of 10 prosecution witnesses, 04 have already been examined and the other co-accused are found involved in other similar case whereas as per the Custody Certificate, the petitioner has undergone 04 months and 27 days of judicial custody and even in FIR No.8 dated 23.01.2018 registered under Sections 457 and 380 IPC, he stands acquitted.

Without commenting anything on merits of the case and considering the fact that the petitioner is not involved in any other case; he is a young man aged about 18 years; the recovery of stolen article was effected from his co-accused and the statement of the eye-witness and complainant has already been recorded, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

The trial Court is also directed to take the undertaking of father of the petitioner, before accepting the bail/surety bonds, that he will keep a watch over the conduct of the petitioner and during the pendency of the trial, the petitioner will appear before the Investigating Officer once in a month.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the

concession of bail, in any manner.

24.07.2018

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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No