

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

**CRM-M No.7456 of 2019 (O&M)
Date of Decision: 21.02.2019**

Rishabh and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Raj Kumar Rana, Advocate for the petitioners.

Mr. Manoj K. Sangwan, Deputy Advocate General, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) for grant of bail pending trial to the petitioners, namely, Rishabh and Sunny in case FIR No.540 dated 18.11.2018, under Section 379-B of the Indian Penal Code, 1860, registered at Police Station Ambala Cantt.

As per the allegations in the FIR, which was registered on the basis of statement of complainant-Vikas that on 18.11.2018, he had come to Ambala to appear in the Group-D Examination, conducted by the Government of Haryana. He reached at Ambala Cantt. at about 04:00 AM and boarded a Three-Wheeler. Three persons were already there in the said vehicle, who started abusing the complainant and snatched his wallet, containing ₹ 2,000/- cash, his voter-card, ATM Card and photo etc. after

giving beatings to him. At that time, driver also took the said vehicle in a different direction. Thereafter, they fled away from the spot. He noted the registration number of the said vehicle and went to the police station. He was medico-legally examined, where he was found to have suffered injuries.

It is contended on behalf of the petitioners that they have been falsely implicated in the present case; they are in custody since 22.11.2018 and report under Section 173 Cr.P.C. stands submitted on 05.12.2018 before the Court of competent jurisdiction and case is pending for consideration on charges for 22.02.2019. Also contended that there are total 12 prosecution witnesses and trial will take a long time for its conclusion. Further contended that petitioners are not involved in any other case.

The above factual position is duly acknowledged by learned State Counsel, on instructions from H.C. Manoj Kumar, but opposed the present bail application.

Heard both sides and perused the paper-book.

Admittedly, the petitioners are in custody since 22.11.2018; after submitting the report under Section 173 Cr.P.C., case is fixed for consideration on charges for 22.02.2019. There are total 12 prosecution witnesses and thus, trial is likely to take a long time for its conclusion. There is no other criminal case pending against the petitioners, therefore, this Court deems it appropriate to release the petitioners on bail, pending trial.

In view of the abovesaid circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioners

be admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

However, it is made clear that in case there is recurrence on the part of the petitioners, the prosecution would be at liberty to move an appropriate application before this Court for recalling of this order.

The above observations may not be construed as an expression of opinion on the merits of the case.

February 21, 2019

Gagan

(MAHABIR SINGH SINDHU)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>