

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

CRM-M No.16090 of 2019 (O&M)
Date of decision : 03.05.2019

Manish

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Gaurav Sethi, Advocate
 for the petitioner.

Mr. Surender Singh, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.7 dated 12.01.2019 registered under Section 379-A IPC at Police Station Sadar Ambala District Ambala.

On 12.04.2019 the following order was passed :-

“This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.7 dated 12.01.2019 registered under Section 379-A IPC at Police Station Sadar Ambala District Ambala.

Custody certificate dated 11.04.2019 filed by way of affidavit of Vishal Chhibber, Deputy Superintendent, Central Jail (Ambala), Haryana on behalf of State is taken on record.

Copy supplied to the counsel opposite.

As per the allegation the complainant who is a minor student was returning, then one car bearing registration No.HR-01AS-1472 which had three boys in it and one boy who is sitting in the front snatched the phone.

Counsel for the petitioner states that the car was owned by the brother of the one of the accused and the recovery of the phone has been made from the second co-accused who is in custody.

Learned State counsel states that complainant is a minor girl and the release of any of the accused on bail may subvert her testimony. He states that the matter is now fixed for 22.04.2019 and the prosecution will examine the victim on that date and prays that her statement be first recorded.

I find this to be a fair request.

Adjourned to 26.04.2019.”

Counsel for the petitioner states that the complainant has been examined and did not support the prosecution version and the petitioner has been in custody since 13.01.2019.

Custody certificate dated 02.05.2019 filed by way of affidavit of Vishal Chhibber, Deputy Superintendent, Central Jail (Ambala), Haryana on behalf of State is taken on record. Copy supplied to the counsel opposite.

Learned State counsel on instructions from Investigating Officer has accepted the fact that the complainant has been examined and had not supported the prosecution.

Be that as it may and keeping in view the above facts and the period of incarceration already suffered by the petitioner and without going into the merits of the case, I deem it appropriate to release the petitioner on regular bail to the satisfaction of the concerned CJM/Illaqa Magistrate/Duty Magistrate.

Ordered accordingly.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

03.05.2019

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No