

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

268

CRM-M-34177-2019 (O & M)

Date of Decision:27.08.2019

Sukhbir @ Mota

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Raj Kumar Gupta, Advocate for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.598 dated 30.10.2018, under Section 379-A IPC, registered at Police Station City Jind.

The prosecution case is that FIR was registered on the complaint moved to police by complainant Deepak son of Ram Dayal on 31.10.2018, wherein he mentioned that he had gone to Safidon road for domestic work. While he was talking on his mobile phone, three persons came on motorcycle and had snatched his mobile phone and sped away. The IMEI numbers of his mobile were 863819039566780 and 863819039566798. Investigation was carried out. During investigation, accused Sukhbir @ Mota (petitioner) and co-accused Monu and Dinesh @ Dinu were arrested on 02.11.2018 while they were selling the snatched mobile at Smile Mobile Gallery and from their possession, five other mobile phones were recovered. On interrogation, they suffered disclosure statements admitting their involvement in eight other cases of similar

nature.

Learned counsel for the petitioner contends that the petitioner is in custody since his arrest on 02.11.2018 and prosecution has already examined the main witnesses i.e. Deepak (complainant) and Shiv Kumar. It is contended that complainant and other person to whom snatched mobile phones were sold by the accused, have not supported the version of the prosecution. According to him, further custody of the petitioner may not be justified as the trial is likely to consume some time.

On the other hand, learned State counsel has opposed the bail application on the ground of seriousness of the offence. However, it is not disputed that Deepak (complainant) and Shiv Kumar have not supported the prosecution case.

Considering the above background and the fact that the trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

27.08.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No