

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

**CRM-M-38250-2019**

Date of Decision : November 21, 2019

Ashok Kumar

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN**

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

Mr. Deepak Grewal, DAG, Haryana.

**ARVIND SINGH SANGWAN, J. (Oral)**

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 199 dated 17.4.2019, registered under Sections 379-A, 201 IPC at Police Station City Fatehabad, District Fatehabad.

Counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant-Sunil Gulati, on 13.4.2019 at about 9.30 p.m., he had gone for a walk in 'Papiha Park' and was talking on his mobile phone, an unknown boy came and snatched his mobile phone and ran away. Counsel for the petitioner further submits that the FIR was registered after four days i.e. 17.4.2019 and the petitioner was later on arrested on 3.6.2019. Counsel for the petitioner further submits that the petitioner is in custody for the last about five months; the investigation is complete and the challan presented. He also submits that the petitioner is the first offender and not involved in any other case.

Learned State counsel, however, on instructions from ASI Ved Pal has submitted that the petitioner was arrested on the basis of the IMEI number of the mobile phone, which was used by him.

After hearing counsel for the petitioner as well as the learned State counsel; considering the fact that the petitioner is in custody for the last about 05 months, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

**( ARVIND SINGH SANGWAN )  
JUDGE**

**November 21, 2019**  
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Whether speaking/reasoned : YES / NO  
Whether reportable : YES / NO