

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

111

CRM-M-12009-2020

Date of decision: 06.05.2020

Roni

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.D.N.Ganeriwala, Advocate, for the petitioner.

Mr.Kuldeep Tewari, Addl.A.G., Haryana.

G.S. SANDHAWALIA, J. (Oral)

Petitioner seeks regular bail in FIR No.17 date 07.01.2020 under Sections 379-A, 420 IPC registered at Police Station City Mahendergarh District Mahendergarh.

The allegations are that the ATM card was snatched from the complainant after the transaction and the petitioner was apprehended at the spot on 07.01.2020 whereas the other 2 accused ran away.

Counsel for the petitioner has stated that petitioner's date of birth is 01.02.2002, as per the school leaving certificate (Annexure P-2) and therefore, stressed the tender age of the petitioner.

State Counsel, on the other hand, submits that as per investigation, petitioner's date of birth is of February, 2001 and the bail has been rejected by the Addl. Sessions Judge and the matter was not referred to the Juvenile Court, as such.

Keeping in view the averments made in the FIR that the complainant had withdrawn Rs.10,000/- but the amount had not been snatched and the card had been taken by one of the boys which was given to the second and the third boy and the petitioner being of a tender age, even if the date of

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-2-

birth, as per the State, is to be taken into consideration. The co-accused are yet to be apprehended and the fact that considerable period would also lapse before the investigation is completed, in view of the peculiar facts and circumstances, especially keeping in view the pandemic COVID-2019. It is also pointed out that there is no other similar case against the petitioner.

Accordingly, in view of the above and in view of the fact that the petitioner has already undergone incarceration for a period of almost 4 months, the present bail application is allowed and the petitioner be released on bail, to the satisfaction of the Ilaka Magistrate/Duty Magistrate, Mahendergarh.

06.05.2020
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*