

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19475-2020

DATE OF DECISION: DECEMBER 17, 2020

AMIT @ PARHLADA @ MASS

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. RANDEEP S. DHULL, ADVOCATE
FOR THE PETITIONER.

KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.273 dated 27.8.2018, under Section 379-A , 34 IPC, Police Station Civil Lines, District Jind.

The FIR was lodged on the basis of statement given by complainant Sushil Kumar wherein it was alleged that on 24.8.2018, when he was walking in the street of his sector and was talking on phone, at about 9.30 p.m., a motorcycle came from behind and two boys who were riding on the vehicle snatched his phone and ran away. On these broad allegations, the present FIR was registered.

On 6.10.2020, the following order was passed:

“Learned State counsel has apprised the Court that entire prosecution evidence is over and he seeks times to have instructions regarding the latest position of the trial.

On his request, adjourned to 17.12.2020.

In the meanwhile, let petitioner be released on

interim bail, till the next date of hearing, to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.”

Learned State counsel has filed reply by way of affidavit of Sadhu Ram, Deputy Superintendent of Police, Jind and has apprised the Court that only three prosecution witnesses have been examined so far including the complainant. He has further contended that the petitioner is involved in other cases of similar nature and therefore, does not deserve the concession of bail.

At this stage, Mr. Dhull, learned counsel for the petitioner has drawn the attention of the Court to the observation of the trial Court in the order dated 25.11.2019 (Annexure P-1) wherein it has been recorded that complainant Sushil Kumar has been examined as a witness and he has not identified the applicant as an accused.

Resultantly, the order dated 6.10.2020 granting interim bail to the petitioner is made absolute and the petitioner is granted regular bail on the same bail bond/surety bond to the satisfaction of the Chief Judicial Magistrate concerned.

The petition is allowed.

December 17, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

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