

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

210

**CRM-M-22738-2019
Date of decision: 08.01.2020**

Suraj @ Komal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Angel Sharma, Advocate for the petitioner.

Mr. Arjun Singh Yadav, Asstt. A.G., Haryana.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (second) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.231 dated 25.05.2018 under Sections 379-A and 201 of the Indian Penal Code, 1860 registered at Police Station Rai, District Sonapat.

The petition has been contested by the State in terms of the reply/status report dated 07.08.2019.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was arrested from his house by Delhi Police on the basis of disclosure statement of co-accused. Dumper bearing registration No.HR-69B-5802 was recovered from the co-accused. Recovery of mobile phone was planted on the petitioner by the Haryana Police. Complainant Sumit Vats, who has been examined as PW-1 has not supported the

case of the prosecution and has not identified the petitioner as one of the persons who had snatched dumper and mobile phone from him. There is no evidence to connect the petitioner with the alleged incident. The petitioner is in custody since 05.07.2018. No useful purpose will be served by keeping the petitioner behind bars. The petitioner is ready to abide by the terms and conditions regarding appearance before the Court. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has contended that the petitioner along with his co-accused snatched dumper and mobile phone from the complainant and committed heinous offences. The petitioner does not deserve the grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence collected against the petitioner, the fact that the complainant has not identified the petitioner as one of the snatchers and the fact that the trial is likely to take long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the Trial Court/Duty Magistrate, Sonapat.

08.01.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No