

CRM-M-31898-2020

Date of decision : 15.10.2020

SANDEEP

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sandeep Saini, Advocate, for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.295 dated 15.07.2020 under Sections 379-A and 201 of the Indian Penal Code, 1860 registered at Police Station City Jind, District Jind.

It has been contended by learned counsel for the petitioner that the petitioner is not named in the FIR wherein it has been mentioned that two persons on the bike had snatched the mobile phone of the complainant. He further contends that the complainant in the present case has furnished an affidavit (Annexure P-3) stating therein that the petitioner is not the person who had snatched her mobile phone. The petitioner has been in custody since 24.07.2020. Learned counsel for the petitioner has also referred to the order passed by this Court in CRM-M-27559-2020 dated 12.10.2020 granting bail to the co-accused and contends that even on the grounds of parity, the petitioner be granted the concession of bail.

Notice of motion.

On the asking of the Court, Ms. Dimple Jain, AAG Haryana, has put in appearance on behalf of the respondent-State and, on instructions from SI Sukhbir Singh, is not in a position to deny the fact that similarly situated accused has already been granted bail by this Court vide order dated 12.10.2020 passed in CRM-M-27559-2020 and in that case too the complainant had executed an affidavit stating that the petitioner therein was not the person who had snatched her mobile phone.

In view of the above and without commenting on the merits of the case and considering that the trial is likely to take some time due to the prevailing COVID-19 pandemic and the petitioner is in custody since 24.07.2020 and is not involved in any other case, the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

It is made clear that nothing observed herein shall be construed as an expression of opinion on the merits of the case. It would, however, be open for the Prosecution to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail.

The present petition is, accordingly, disposed off.

October 15, 2020

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(ALKA SARIN)
JUDGE

Whether speaking/non-speaking: Yes/No

Whether reportable: Yes/No