

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

212

CRM-M No.40826-2020

Date of decision:11.12.2020

Iqbal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Pardeep Sihmar, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.296, dated 21.08.2020, registered under Sections 379-A of the Indian Penal Code, 1860, at Police Station City Sohana, District Gurugram.

As per the prosecution, the FIR was registered on the complaint of one Saurabh Yadav, on the allegation that a mobile was snatched from him by a person sitting on the pillion of a motorcycle. The motorcyclists were chased and the driver of the motorcycle, namely, Iqbal (present petitioner) was apprehended, though the pillion rider, who is the co-accused, managed to escape.

Counsel for the petitioner has argued that the petitioner has been falsely framed. The allegation regarding snatching of the mobile has been attributed to the co-accused, Rahamdeen, who has been granted the concession of regular bail by this Court vide order dated 01.12.2020, Annexure P-4, passed in CRM-M-38887-2020. He has placed reliance upon the affidavit, Annexure P-3 executed by the complainant, wherein it has been deposed that the complainant does not intend to take any action against the petitioner. He submits that the petitioner is in custody since 21.08.2020 and the trial is not progressing due to the outbreak of the pandemic.

Per contra, learned State counsel, upon instructions from ASI Mahavir submits that the petitioner acted in collusion with the co-accused. He has been arrested from the spot and the motorcycle was recovered from him. He submits that the snatched mobile was sold by the co-accused for Rs.4,000/- and a recovery of Rs.960/- was effected from the co-accused. He has instructions to State that the challan was presented on 16.10.2020 but the charge is yet to be framed.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegations, gravity of offence, the fact that the allegation of snatching has not been levelled against the petitioner and that the trial is likely to consume time due to spread of contagion, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the

petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

11.12.2020

pooja saini

**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No