

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

210-A

**CRM-M-36017-2019
Date of decision: 08.01.2020**

Anish

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Navneet Singh, Advocate for the petitioner.

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

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present 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 read with Section 34 of the Indian Penal Code, 1860 registered at Police Station Rai, District Sonapat.

Sumit Vats submitted written complaint to SHO Police Station Rai, District Sonapat alleging that they have two dumpers. Sanjiv Kumar is working as helper on his dumper No.HR-69B-5802 for the last four months. On 25.05.2018 when he along with Sanjiv Kumar reached at just ahead of petrol pump of village Garh Mukimpur after filling his above said dumper with sand, 3-4 boys came in Dzire car and stopped their dumper by saying that they were from mining department. They manhandled them. One of the boys drove away the dumper with its documents and his Oppo mobile phone having SIM No.7011464517. Other boys drove away in their car. The police investigated the case and charge sheeted the petitioner along with his co-accused. The

petitioner being in custody since 04.07.2018 has filed present petition for bail.

The petition has been contested by the learned State counsel who has filed custody certificate. However, no reply to the petition has been filed by the State.

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. 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 the dumper and mobile phone in question from him. The petitioner is in custody since 04.07.2018. No useful purpose will be served by further detention of the petitioner in custody. 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