

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

CRM-M No.38262 of 2019 (O&M)

Decided on: 07.01.2020

Gaurav

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. Taranjit Kaur Hundal, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

CRM No.36618 of 2019

Counsel for the applicant/petitioner submits that the present application may be disposed of having been rendered infructuous.

Ordered accordingly.

CRM No.40303 of 2019

Dismissed being not pressed, at this stage.

CRM-M No.38262 of 2019

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.135 dated 12.03.2019, for offence punishable under Section 379-A of the of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station City Jind, District Jind.

Counsel for the petitioner has submitted that as per the

allegations in the FIR, registered at the instance of the complainant – Satish Kumar on 12.03.2019, 02 persons on a motorcycle snatched the mobile phone and Rs.800/- from of the complainant. It is further submitted that the petitioner was arrested on 13.07.2019 on the basis of a disclosure statement made by the co-accused namely Naveen, a juvenile who is facing a separate trial and thereafter, the police recovered Rs.500/- from the petitioner and the motorcycle, which is not connected to the present case. It is further argued that the complainant while appearing as PW4 has not identified the petitioner as a person who has committed the offence. This witness was declared hostile and in the cross-examination, he has further denied that he has made a statement before the police that when he was taken to the house of the petitioner, he had identified him as a person, who was the pillion rider of the motorcycle of the co-accused Naveen and had snatched the phone.

Then confronted with the statement, he has stated that the police has obtained his signatures on blank papers and he has never made the said statement.

Counsel for the petitioner has further argued that the other evidence against the petitioner is his disclosure statement, which was recorded during his arrest and its admissibility is to be seen at the time of final disposal of the case.

Counsel for the State, on instructions from ASI Satish Kumar, has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in 04 other FIRs.

In reply, counsel for the petitioner has submitted that the

petitioner is on bail in those FIRs, which pertains to the year 2015.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; the complainant, who has appeared as PW4 has been declared hostile; the petitioner is not required for further custodial interrogation and the conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

07.01.2020
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(ARVIND SINGH SANGWAN)
JUDGE

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