

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

**CRM-M-2981 of 2021
Date of Decision: 20.04.2021**

Sunny alias Sunny Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr.Vikas Bishnoi, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J.(ORAL)

The present petition has been filed seeking regular bail under Section 439 of Code of Criminal Procedure, 1973, in case FIR No.364, dated 26.07.2020, under Section 379-A of Indian Penal Code, 1860 and during investigation Sections 411 and 201 IPC have been added, registered at Police Station City Fatehabad, District Fatehabad.

As per the FIR, which was lodged on the basis of a complaint made by one Seema that some unknown motorcycle rider, who was accompanied by a companion and whose registration number was not known had pulled gold chain from her neck and fled away from the spot speedily on the motorcycle.

Learned counsel for the petitioner has submitted that the present petitioner has been falsely implicated in the present case on the

basis of some CCTV footage in which the petitioner was not present and therefore, he was falsely nominated in the present case. He has further submitted that after the commencement of the trial the complainant was examined before the learned trial Court, in which she has stated that the accused persons who were present in the Court, were not the persons who had snatched the gold chain from her on the date of incident. He submitted that the petitioner is in custody since September, 2020 and out of 11 cited witnesses 3 have already been examined including the complainant and her husband. He further submitted that the petitioner has never indulged in any such kind of activities and he is not involved in any other case, therefore, he has prayed for the grant of concession of regular bail to the petitioner.

On the other hand, Mr. Panwar, DAG, Haryana submitted that it is correct that the petitioner is in custody since September, 2020 and that out of the 11 cited witnesses 3 witnesses including the complainant and her husband have already been examined. He has also submitted that it is correct that the petitioner is not involved in any other case. However, he has opposed the bail on the ground that it was a case of snatching and therefore, the petitioner does not deserve the concession of bail.

I have heard the learned counsel for the parties.

The custody period of the petitioner has not been disputed by the learned State counsel and it is also not disputed that the material witnesses have already been examined including the complainant and her husband. The learned State counsel has also not disputed that the petitioner is not involved in any other case. However, the seriousness of the case as pointed out by the learned State counsel would not disentitle the petitioner for grant of bail. Furthermore, it is not the case of the State that in case, the petitioner is released on regular bail then he may involve himself in any

unlawful activity or he may tamper with any evidence or he may influence any witnesses or he may flee from justice.

Therefore, considering the totality and circumstances of the present case, I deem it fit and proper to allow the present petition. Consequently, the petitioner shall be released on regular bail on his furnishing requisite bail/surety bonds subject to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(JASGURPREET SINGH PURI)
JUDGE

April 20, 2021
Manpreet

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