

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3138-2021 (O&M)
Date of decision: 18.03.2021

Pardeep

.... Petitioner

Versus

State of Haryana

.... Respondent

Coram: Hon'ble Mr. Justice B.S. Walia.

Present : Mr. Amit Khari, Advocate for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

B.S. Walia, J. (Oral)

[1] Prayer in the petition under Section 439 Cr. P. C. is for grant of regular bail in case FIR No.87 dated 09.02.2020 registered under (Sections 392 of IPC deleted and Section 397 IPC added later on) and Sections 25 Arms Act at Police Station Jind, District Jind.

[2] Brief facts of the case are that a complainant was made by one Ritik son of Satyawar that on 08.02.2019, he was going for tuition at about 4.00 PM on his Bullet Motorcycle bearing No. HR08B-8898 black colour and when he reached near Sector 6, three young persons came in front of his motorcycle on a Splendor motorcycle without number plate and signalled him to stop. One of the boys pointed pistol at him and commanded him to hand over all the valuables and belonging to them but when complainant resisted then those boys forcibly snatched his Apple phone 7 IMEI No. 353833083098589, SIM No. 9068770001 as well as bullet motorcycle No. HR08B-8898. On the basis of the complaint made by the complainant, aforementioned FIR was registered initially under Section 392 IPC and

Section 25 of the Arms Act. During investigation Gaurav was identified as one of the persons involved in the commission of the offence, whereupon Gaurav and Monu

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were interrogated and on their disclosure statements, offence under Section 397 IPC was added and on the basis of the disclosure statement, accused Ankit and Pardeep were implicated. Thereafter, accused Ankit got recovered Splendor motorcycle used in the commission of the crime and disclosed that the snatched mobile phone had been broken while Pardeep was arrested on 21.02.2019 and got recovered snatched Bullet motorcycle No. HR08B-8898 belonging to the complainant alongwith pistol and two live cartridges used in the commission of the crime, whereupon on 22.02.2019 he was sent to judicial custody.

[3] Learned counsel for the petitioner contends that the petitioner has been in custody since 21.02.2019, investigation is complete, challan has been presented and charges have also been framed but out of 18 prosecution witnesses in the case only 4 prosecution witnesses have been examined till date, besides, conclusion of trial will take considerably period of time, therefore, no useful purpose would be served by keeping the petitioner in custody. Learned counsel further contends that co-accused Gaurav has been released on bail by this Court vide order dated 17.05.2019 in CRM-M-18447-2019, while co-accused-Monu has been exonerated/discharged by the Principal Magistrate, Juvenile Justice Board, Jind vide order dated 04.12.2019 (Annexure P-2).

[4] Learned DAG, Haryana confirms the aforementioned position but states that the petitioner is not entitled to be released on bail on account of his being involved in two other cases.

[5] I have considered the submissions of learned counsel for the parties and after taking into account all aspects of the matter but without commenting upon

the merits of the case, especially in view of the petitioner being in custody since 21.02.2019, only 04 out of 18 prosecution witnesses having being examined, conclusion of trial likely to take considerable period of time, co-accused Gaurav having been released on bail by this Court vide order dated 17.05.2019 in CRM-M-18447-2019, while co-accused-Monu has been exonerated/discharged by the Principal Magistrate, Juvenile Justice Board, Jind vide order dated 04.12.2019 (Annexure P-2), circumstances prevailing on account of Corona Virus pandemic, the petition for regular petition is allowed and petitioner is ordered to be released on regular bail during the pendency of the trial on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, provided he is not required in any other case. The petitioner shall also comply with the conditions contained in Section 437(3) Cr.P.C. However, it is made clear that in case, the petitioner is involved in any other case while on regular bail in the instant case, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner. However, nothing stated hereinabove would be taken to be an expression of opinion qua the merits of the case.

(B.S. Walia)
Judge

18.03.2021.
rajender/shabha

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