

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.4389 of 2021 (O&M)
Date of Decision: September 07, 2021

Ashish @ Ashu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Suneel Ranga, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.567 dated 24.09.2020, under Section 379-B IPC, 1860 and Sections 201/34 IPC (added later on), registered at Police Station, Chandnibagh, District Panipat, who is in custody since his arrest on 10.10.2020.

The contents of the FIR, as noticed by the Additional Sessions Judge, Panipat in his order dated 18.01.2021, are as under:-

“According to the complaint dated 24.09.2020 of the complainant Raghvender, on 18.09.2020, he was going to his room from the factory. At about 09:00 PM, two boys came on a motorcycle near Krishna Garden and caught hold of the complainant and one other boy with him. Those boys gave fist blows, kick blows and also slapped the complainant and other boy. They snatched ₹ 600/- and mobile phone make Redmi having number 8077219640. Both the snatchers had tied cloth

on their faces.”

Learned counsel for the petitioner contends that the investigation in the case is complete and though the trial has commenced, but only one prosecution witness has been examined so far out of total ten witnesses and the trial is likely to consume considerable time to conclude. According to him, the petitioner was though implicated in another case on the same day, i.e., FIR No.286 dated 18.09.2020, under Sections 379-A and 34 IPC, Police Station, Sector 29 Industrial, Panipat, but in the said case, he was released on bail vide order dated 15.01.2021 by the trial court. He prays for bail.

On the other hand, learned State counsel, assisted by SI Surender Kumar, though has opposed the prayer, but has not disputed the above factual aspect. According to him, in all there are ten prosecution witnesses and nine remain to be examined.

After hearing the learned counsel for the parties, this court finds that the prosecution has examined only one witness so far, therefore, considering the above background and the custodial period of the petitioner, this court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 10.10.2020. Further, the prosecution is yet to examine its remaining nine witnesses and it may take considerable time to conclude the trial.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty

Magistrate, Panipat.

September 07, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No