

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

213

CRM-M-5638-2021

Date of Decision : June 28, 2021

YASH KUMAR @ GOGI

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.364 dated 26.7.2020 under Section 379A IPC (Section 411 IPC subsequently added), Police Station City, Fatehabad.

The learned counsel for the petitioner has submitted that as per the FIR which was lodged on the basis of a complaint made by one Seema that one unknown person, who was riding a motor cycle being accompanied by a companion had snatched a gold chain from her neck and fled away from the spot with the motor cycle. Learned counsel has further submitted that the petitioner has been falsely implicated in the present case on the basis of some CCTV footage in which the petitioner was not present. He submitted that after the commencement of the trial,

the complainant was examined before the learned trial Court in which she has stated that the petitioner, who was present in the Court was not the person, who had snatched the gold chain from her on the date of the incident. He further submitted that the petitioner is in custody since 13.9.2020 and the complainant and her husband have specifically stated before the learned trial Court that the petitioner was not involved in the act of snatching. He further submitted that the other co-accused, namely, Sunny, who is on parity with the petitioner, has already been granted regular bail by this Court vide CRM-M-2981-2021 on 20.4.2021.

On the other hand, Mr. Naveen Singh Panwar, DAG, Haryana has submitted that it is correct that the petitioner is in custody since September 2020. He submitted that out of the eleven cited witnesses, three witnesses including the complainant and her husband have been examined. Mr. Panwar has, however, not disputed that the petitioner is in parity with other co-accused, namely, Sunny, who has already been granted regular bail by this Court.

I have heard learned counsel for the parties.

The custody period of the petitioner has not been disputed by the State and it has also not been disputed that the material witnesses have already been examined including that of complainant and her husband. Learned counsel for the parties have also submitted that the petitioner is not involved in any other case. Furthermore, the other co-accused, who is in parity of the petitioner has been granted regular bail by this Court.

In view of the above and considering the totality of the circumstance 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 of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

June 28, 2021
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(JASGURPREET SINGH PURI)
JUDGE

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