

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

CRM-M-6157 of 2021.

Decided on:- February 15, 2021.

Rahul.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Anshul Bagla, Advocate for
 Mr. Chanderhas Yadav, Advocate for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.263 dated 18.10.2020 under Sections 342 and 379-B IPC registered at Police Station Sadar Bahadurgarh, District Jhajjar.

In nutshell, the aforesaid FIR was registered against the petitioner on the basis of a complaint made by Arshad Khan. As per the FIR, on 18.10.2020, when the complainant was going from Jatwara Mohalla to Bus Stand, Bahadurgarh, two boys booked his e-rickshaw so as to bring some material from Mukundpur Water House. On the way, those boys also picked up another boy and thereafter, all the three boys asked the complainant to bring articles from inside the said water house. When they entered into the water house, one of those boys covered the face of complainant with his towel. The accused also tied complainant's hands with the string of lower. Thereafter, those boys snatched his VIVO V-3 mobile phone, a sum of

Rs.300/- and fled away from the spot in his e-rickshaw. After registration of the formal FIR, the petitioner was arrested in the case on 19.10.2020.

Learned counsel for the petitioner has argued that apart from the fact that the petitioner is in custody since 19.10.2020, there is no other case against him.

Learned State counsel, on instructions from SI Krishan Kumar, submits that the allegations against the petitioner are serious. The petitioner had tied the hands of complainant and thereafter snatched his mobile phone, a sum of Rs.300/- and fled away from the spot along with other co-accused in the e-rickshaw of the complainant.

I have heard learned counsel for the parties.

Noticing the fact that the petitioner is in custody since 19.10.2020 and no other case has been pointed out against him, this Court finds that the culpability of the petitioner is yet to be established during the trial and no useful purpose would be served to detain him in further custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as any expression of opinion on the merits of the case. The trial Court shall decide the case without being influenced with these observations in any manner.

February 15, 2021

Yag Dutt

(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No