

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

(Sr. No. 210)

CRM-M No. 11919 of 2021

Date of decision : 29.04.2021

Amit @ Sittuu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Deepak Kundu, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 272 dated 02.10.2019 under Sections 379-A and 393 IPC registered at Police Station IMT, district Rohtak.

Briefly stated the case of the prosecution is that the petitioner, along with his co-accused, after hiring the complainant's taxi, stole the same as also snatched the complainant's mobile phone.

Learned counsel for the petitioner contends that the petitioner has been in custody since 09.11.2019 and the complainant, while appearing before the Trial Court as PW-1, has specifically exonerated the petitioner by stating that it was not the petitioner who had stolen his car or snatched his mobile phone.

Learned State counsel does not dispute the above factual position but submits that since the petitioner is a habitual offender, he be not released on bail.

The petitioner has been in custody since 09.11.2019 and the complainant while appearing before the Trial Court as PW-1 has deposed that it was not the petitioner who had stolen his car or snatched his mobile phone. Even on being cross-examined, the complainant stood by his afore stand.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rohtak, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

29.04.2021
sunil yadav

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No