

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

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CRM-M-15453-2020
Date of decision:- 19.04.2021

Nitin**... Petitioner****Versus****State of Haryana****... Respondent****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana
for the respondent-State.

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SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.126 dated 08.02.2021, lodged for offences under Section 379-A of the Indian Penal Code, 1860, at Police Station Old Industrial Area, Panipat.

Counsel for the petitioner submits that the FIR (Annexure P-1) has been registered against the unknown persons on the allegation that two boys, who were riding a motorcycle, snatched a bag containing Rs.9,000/-, a mobile phone and some documents and fled away from the spot. Counsel contends that the petitioner has been falsely framed as he has neither been named in the FIR nor any recovery has been effected from him. Counsel urges that the petitioner has been arrayed as an accused on the basis of the

disclosure statement of co-accused – Shivam @ Sunny, who has been granted the concession of regular bail by this Court in CRM-M-13658-2021 on 31.03.2021. It is his argument that the FIR has been registered due to some misunderstanding between the accused and the complainant, which has now been cleared and a compromise has been effected between the parties, which is reflected in the affidavit (Annexure P-3) executed by the complainant. He submits that the petitioner, who is in custody since 24.02.2021, deserves to be enlarged on bail.

Petition has been opposed by the State Counsel, who upon instructions from SI Ram Niwas, has urged that the prosecution has sufficient material to establish the complicity of the petitioner in the crime. He submits that the challan has been presented before the trial Court on 03.03.2021 and the trial is fixed for today for consideration on the framing of charge. He has instructions to say that the petitioner is not involved in any other criminal case.

Mr. Sukhdeep Singh, Advocate has put in appearance on behalf of the complainant and has admitted the factum of compromise having been effected by way of an affidavit (Annexure P-3). He submits that the complainant does not have any objection in case the petitioner is released on bail.

I have considered the submissions of the parties.

Considering the fact that the petitioner has been involved on the basis of the disclosure statement, the legality and veracity of which is yet to be tested, and in the backdrop of the compromise between the parties, the

involvement of the petitioner in the offence is debatable.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegations, gravity of offences and the fact that the trial is likely to take time due to spread of contagion, no useful purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner-Nitin is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

19.04.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No