

CRM-M-17963-2021

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

CRM-M-17963-2021

Date of decision: 08.07.2021

Naveen

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Aakash Dalal, Advocate,
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Copy of reply dated 29.06.2021, by way of affidavit of the Deputy Superintendent of Police, City Jhajjar, District Jhajjar, filed in the Registry, is taken on record.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.37 dated 24.01.2020, registered at Police Station Assauda, District Jhajjar, under Sections 379-B and 392 IPC and Section 28 of the Arms Act, 1959.

Learned counsel for the petitioner contends that there is a delay of 12 hours in the registration of the FIR; that the petitioner has not been named in the FIR, and that the registration number of the auto-rickshaw, alleged to have been snatched by the petitioner in the FIR, is different from the one recovered from him. Co-accused, namely, Parveen and Ashish stand enlarged on bail by the trial Court. Since the alleged weapon used in the offence was a toy pistol, Section 25 of the Arms Act

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was deleted in the present case. The petitioner has been in custody since 28.01.2020. Challan stands presented, but no witness has been examined so far.

On the other hand, learned State counsel opposes the prayer made in the present petition. He submits that in his supplementary statement, the complainant got recorded the registration number of his auto-rickshaw as HR-63-D-6963 and the petitioner was found in possession of the same near Railway Station, Rohtak. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

Co-accused, namely, Parveen and Ashish have since been granted the concession of bail by the trial Court. The petitioner has been in custody since 28.01.2020. However, no witness has been examined so far. Trial of the case would take time to conclude, especially due to Covid-19. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

08.07.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No