

Date of Decision : 20.07.2021

...Petitioner

## Versus

...Respondent

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**B.S. Walia, J. (VC)**

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.0038 dated 11.02.2021, registered under Sections 379-B, 506, 34 IPC and Sections 25, 27, Arms Act, 1959 ( to which Section 201 IPC was added and Sections 25, 27 Arms Act were deleted) at Police Station Asauda, District Jhajjar.
3. Learned counsel contends that the petitioner has been implicated in a false case, no person has been named in the FIR, test identification parade was not conducted, there was delay of 16 days in lodging the FIR as the incident took place on 27.01.2021 whereas FIR was registered on 11.02.2021, the petitioner has been in custody since

10.03.2021, investigation is complete, challan has been presented and out of 20 prosecution witnesses, none has been examined, therefore, no useful purpose would be served by keeping the petitioner in custody since the trial is likely to take time to conclude besides, co-accused has already been released on bail by a Coordinate Bench of this Court on 30.06.2021 in CRM-M-23185-2021.

4. Per contra learned DAG, Haryana contends that motorcycle used in the commission of offence besides, mobile phone which was snatched from the complainant have been recovered from the petitioner. He however, does not dispute that till date not even a single prosecution witness has been examined out of the 20 witnesses.

5. I have considered the submissions of learned counsel for the parties.

6. Admittedly, the petitioner is in custody since 10.03.2021, co-accused has been released on bail and out of 20 prosecution witnesses cited, none has been examined so far. In the circumstances, I am of the considered view that further detention of the petitioner will not serve any useful purpose as trial is likely to take considerable period of time to conclude.

7. Accordingly, present petition is allowed. Petitioner-Mohit is ordered to be released on regular bail during the pendency of the trial on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, provided he is not required in any other case. The petitioner shall also comply with the

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(3)

conditions contained in Section 437(3) Cr.P.C. It is further made clear that in case the petitioner is involved in any other case during the period while he is on bail in the instant case, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

**(B.S. Walia)**  
**Judge**

**20.07.2021**

*'Renu'*

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