

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.23308 of 2021

Date of Decision: June 30, 2021

Aman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.N.Lohan, Advocate,
for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has preferred this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.303 dated 13.08.2019 registered under Section 379-A read with Section 34 of Indian Penal Code, 1860 at Police Station Civil Lines, Jind, District Jind. The petitioner is in custody since his arrest on 30.09.2019.

The above FIR was registered on the complaint moved by Dalbir Singh, which reads as under:-

“It is submitted that I Dalbir Singh son of Hukum Chand Shanna am resident of Village Radhana District Jind and working on rent of putting the soil. Yesterday on 12.08.2019 when I was returning to my home after completion of my work the moment when I reached near the bridge and stopped my motorcycle and started talking on Mobile Phone then three boys came from back side and they fled away after snatching one Polybag and Mobile Phone. On these broad allegations, FIR was registered.”

Learned counsel for the petitioner has argued that after

commencement of trial, the deposition of complainant Dalbir Singh (PW-7) has been recorded, who has not supported the prosecution case and was declared hostile. The said statement is appended with the petition as Annexure P-1. Learned counsel has further argued that the co-accused, who is similarly situated, has already been released on regular bail vide order dated 18.08.2020 (Annexure P-3), therefore, he prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, who is assisted by ASI Rajbir Singh, on the ground that the offence is serious and out of total thirteen prosecution witnesses, only eight have been examined so far. However, it is not disputed that the complainant stands examined. He further submits that the case is coming up before the trial court for recording prosecution evidence on 01.07.2021.

After hearing the learned counsel for the parties and considering the fact that material witnesses have been examined, the further custody of the petitioner, who is presently confined in judicial custody after his arrest on 30.09.2019, may not be justified, particularly when the co-accused has been released on regular bail.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Jind.

The petition is allowed.

June 30, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No