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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.24018 of 2021 (O&M)

Date of decision: 02.07.2021

Krishan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sachin Dhull, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.552 dated 15.09.2020, for offence punishable under Sections 379-A, 34, 341 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Samalkha, District Panipat.

Counsel for the petitioner has relied upon the order dated 25.02.2021 passed in CRM-M No.8279 of 2021, vide which the co-accused of the petitioner namely Vikas has been granted the concession of regular bail. The operative part of the said order, reads as under:-

“Learned counsel for the petitioner submits that as per the allegations in the FIR, the complainant stated that he is in the business of selling Jaggery at village Bursham from village Khalila on cart. On 15.09.2020, when he was going to sell jaggery at village Bursham, two young boys came on a motorcycle and stopped him in the way and snatched certain money from him and fled away.

Learned counsel further submits that later on, the

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police arrested the petitioner as well as the co-accused Karishan on 07.10.2020 and the above said motorcycle and Rs.5000/- were also taken into their possession.

Learned Counsel further argued that challan has already been presented and the petitioners were not named in the FIR and are no more required for further investigation and their identities has to be established during the trial.

Learned State counsel filed custody certificate in court today and as per the same, the petitioner is under custody for last four months and seventeen days and on instructions, has not disputed the factual position and submits that there are twelve prosecution witnesses and none has been examined so far.”

For the sake of brevity, the facts are not reproduced again.

Counsel for the petitioner has further submitted that after the arrest of the petitioner and the co-accused Vikas, the motorcycle was recovered and it was found belonging to the co-accused Vikas @ Vicky, who has already been released on bail. It is also submitted that the petitioner is in custody for the last 08 months and 24 days and he is not involved in any other case. It is also submitted that though, the charges have been framed, however till date, no prosecution witness has been examined.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 08 months and 24 days; the co-accused of the petitioner is already released

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on bail; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

02.07.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No