

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24091-2021
Date of Decision: 26.07.2021

Sunil ...Petitioner

vs.

State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. K.L. Saini, Advocate for the petitioner.
Mr. Pawan Kumar Longia, DAG, Haryana.

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 pending trial in case FIR No. 355, dated 08.05.2019, registered under Sections 379-A and 411 IPC, read with Section 34 IPC, at police station City Bhiwani, District Bhiwani.
3. Learned counsel contends that the petitioner has not been named in the FIR and has been falsely implicated in the case on the basis of disclosure statement of co-accused, that he is in custody since 10.12.2020, mobile allegedly snatched from the complainant was not recovered from the petitioner but from co-accused Gangadhar, challan was presented on 16.02.2021, there are 21 prosecution witnesses, though charges are yet to be framed, trial would take considerable time, therefore, no useful purpose would be served by keeping the petitioner in custody.

4. Learned Deputy Advocate General, Haryana, on instructions from ASI Dashrath, confirms that the petitioner was implicated in the case on the basis of disclosure statement of co-accused and that the mobile snatched from the complainant was not recovered from the petitioner but from co-accused namely Gangadhar, petitioner was in custody since 10.12.2020, that a sum of Rs.1,000/- was recovered from the petitioner out of sum of Rs.3,000/- falling to his share out of the proceeds of the crime, besides the petitioner was facing one case under Section 174-A IPC.

5. I have considered the submissions of learned counsel for the parties. Admittedly, the petitioner has not been named in the FIR and has been implicated in the case on the basis of disclosure statement of co-accused. Petitioner is in custody since 10.12.2020, mobile allegedly snatched from the complainant was not recovered from the petitioner but from co-accused Gangadhar, recovery of Rs. 1000/- has also been made, challan stands presented on 16.02.2021, there are 21 prosecution witnesses, charges are yet to be framed, therefore, trial would take considerable time, and no useful purpose would be served by keeping the petitioner in custody. Accordingly, without commenting upon the merits of the case, the present petition is allowed. Petitioner-Sunil 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 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.

26.07.2021
rajesh/ps

[B.S.Walia]
Judge

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