

233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24316 of 2021
Date of Decision : 28.07.2021

Sahil ...Petitioner

Versus

State of Haryana and anotherRespondents

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

Present : Mr.Sumit Sangwan, Advocate for the petitioner.
Mr. Naveen Kumar Sheoran, DAG, Haryana.
Mr. Vikrant Rana, Advocate for respondent No.2.

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 third petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.127 dated 05.08.2020 registered under Section 379-B IPC at Police Station Bond Kalan District Charkhi Dadri during the pendency of the trial.

3. Earlier petition for regular bail filed by the petitioner was dismissed by the learned trial court whereafter petition for regular bail was dismissed by this Court on 24.09.2020 (Annexure P/3) and the second petition was dismissed as withdrawn with liberty to the petitioner to file a petition under Section 439 Cr.P.C. before the learned trial Court and that in pursuance thereto, the second petition for regular bail was dismissed by the learned trial Court vide order (Annexure P-2) dated 15.03.2021. The earlier petition (s) for regular bail filed by the petitioner were dismissed by taking into account snatching of Rs.19,000/- from the

complainant, besides inflicting injuries on him by the accused, as also that in case the accused were released on bail, they may pressurize the complainant and that incidents of beating and snatching of money were on the increase.

4. Learned counsel contends that the petitioner is a young man of 21 years of age, does not have any other criminal case registered against him, is in custody since 11.08.2020, Challan stands presented on 18.09.2020, charges were framed on 18.02.2021 and out of 12 prosecution witnesses, not a single one has been examined till date, consequentially, trial is likely to take considerable period of time, therefore, no useful purpose would be served by keeping the petitioner in custody. Learned counsel for the petitioner further contends that co-accused/Rohit has been acquitted by the learned Juvenile Court vide order (Annexure P-6) dated 05.03.2021 and the petitioner is identically situated as said co-accused.

5. Learned State counsel on instructions from *ASI Radhey Shayam*, confirms that apart from the instant case, there is no other case registered against the petitioner and out of 12 prosecution witnesses, not a single one has been examined, besides, the petitioner is in custody since 11.08.2020.

6. I have considered the submissions of learned counsel. No doubt the earlier petitions for regular bail were dismissed by taking into account snatching of money by the accused from the complainant, besides inflicting injuries on the complainant, as also that in case the accused were released on bail, they may pressurize the complainant, besides,

incidents of beating and snatching of money were reportedly on the increase but the petitioner is a young man of 21 years and is behind bars since 11.08.2020, does not have any other criminal case registered against him, besides has undertaken through counsel to maintain peace and abide by the law in case he is granted bail during the pendency of the trial in the instant case, no progress has been made in the trial, conduct of trial is likely to take considerable period of time, therefore the petition under Section 439 Cr.P.C. is allowed and petitioner-Sahil 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. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

7. It is further made clear that if 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.

8. Petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

28.07.2021

'Rajneesh/Amit'

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