

227

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.25240 of 2021(O&M)

Date of Decision: 08.07.2021

Harjeet Singh

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. M.S. Kathuria, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.201 dated 04.04.2021 registered under Section 379-A IPC (section 120-B IPC added later on) at Police Station Shahabad (M), District Kurukshetra.

As per allegations, the petitioner and another after consuming liquor, snatched mobile phone of the complainant. On 03.04.2021 at about 8:30 PM, the complainant took the lift from an unknown motorcyclist and on the way, the said

motorcyclist made a mobile call to some other person and said third person also joined them. Thereafter, after consuming liquor at a liquor vend and on the way, they snatched the mobile of the complainant along with cash amount of Rs.10,000/-. Petitioner was arrested on 05.04.2021 and mobile phone has been recovered from him. Motorcycle used in the crime has also been recovered from co-accused Satwinder along with an amount of Rs.400/-. Petitioner was identified by the complainant in test identification parade. Challan has already been presented.

Learned counsel for the petitioner submits that though the defence of the petitioner is to be disclosed at the time of making statement under Section 313 Cr.P.C, but as per stand of the petitioner, after consuming liquor, the petitioner, co-accused and the complainant participated in gambling and in that gambling, the complainant lost his mobile in favour of the petitioner. That is how, the mobile has been recovered from the petitioner.

Learned State counsel, however, opposed the bail on the ground that after disclosure statement, recovery of mobile has been effected and challan has been presented. Petitioner is also involved in five more cases.

Learned counsel for the petitioner has explained the position that out of 5 cases, 4 cases were registered within a

period of three days i.e. FIR No.50 dated 30.06.2016 registered under Sections 341, 379-B, 511, 34 IPC at Police Station Shahabad, Kurukshetra, FIR No.51 dated 31.06.2016 registered under Sections 323, 379-B, 34 IPC at Police Station Shahabad, Kurushetra, FIR No.52 dated 31.06.2016 registered under Sections 341, 379-A, 34 IPC at Police Station Shahabad, Kurukshetra and FIR No.54 dated 01.02.2016 registered under Sections 379-B, 34 IPC at Police Station Shahabad, Kurukshetra and out of those cases, he has been acquitted in FIR Nos.50 and 54 and convicted in FIR Nos.51 and 52, against which his appeals are pending in the High Court. In FIR No.123 dated 14.08.2014 registered under Sections 457, 380 IPC at Police Station Shahabad, Kurukshetra, he is on bail.

At this stage, defence of the petitioner is not to be appreciated as defence may lead to penal consequences, but if stand of the petitioner is ultimately found to be trustworthy, the presence of mobile with the petitioner would be debatable issue at the relevant time.

Looking to the aforesaid facts and circumstances of the case and the situation arising out of COVID-19 Pandemic, I deem it appropriate to enlarge the petitioner on regular bail without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is

ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

08.07.2021
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(RAJ MOHAN SINGH)
JUDGE

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