

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

Criminal Misc. No.M-29488 of 2021(O&M)

Date of Decision: October 12, 2021

Sagar		...Petitioner
	Versus	
State of Haryana		...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Amit Rana, Advocate for the petitioner.
Mr.Vishal Malik, Sr.DAG, Haryana.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.0424 dated 29.08.2020 under Section 379-A/201 of the Indian Penal Code, Police Station City Fatehabad.

The FIR was lodged on the statement of one Bhupender Singh alleging that on 29.08.2020 at about 2.30 PM, his wife Maya Devi was sitting under the porch in the house and his grand-daughter Somya aged 10 years was talking on mobile phone near the gate of the house. Meanwhile, one boy aged about 17-18 years came on foot near the house and ran away after snatching the mobile from his grand-daughter Somya. When he was followed, he escaped on a white colour scooty being driven by another boy.

During investigation, the petitioner (Sagar) was arrested on 03.12.2020 and the mobile phone was recovered from him. Another boy, namely Harsh Kumar @ Hunny, a juvenile in conflict with law was also arrested.

Ld. counsel for the petitioner contends that in the inquiry of

another boy, a juvenile in conflict with law, witnesses Maya Devi (eye-witness) and Bhupender Singh (complainant) have stated that the juvenile is not the person, who snatched the mobile. The boy who snatched the mobile phone had covered his face with cloth. It is argued that identity of the petitioner is doubtful. He further states that due to Covid-19 situation, there is no progress in the trial of the petitioner. The petitioner is behind bars since 03.12.2020. Though he is involved in four other cases but he is on bail in all of them.

Opposing the petition, Mr.Malik, Ld. Senior Deputy Advocate General, Haryana states that though the petitioner has been granted bail in other cases, but his involvement in four other cases cannot be overlooked.

Having heard Ld. counsel for the parties and considering the facts and circumstances, particularly, the fact that the petitioner has been behind bars for the last more than 08 months, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner Sagar is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

If during bail the petitioner is involved in any other case it will be open for the respondent – State to move for cancellation of bail, in the instant case.

October 12, 2021

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No