

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.37874 of 2021

Date of Decision: October 13, 2021

Madan Gopal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sanjay Kumar Saini, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.116 dated 24.02.2020, under Section 379-A IPC, 1860, registered at Police Station, Chandni Bagh, District Panipat, who is in custody since his arrest on 28.02.2021.

The above FIR was registered on the statement of Rahul Singla, wherein it was stated that he is running a shop on Sanoli Road, Opposite Malik Petrol Pump in the name of Ramesh Karyana and General Store. On 24.02.2021, when he was present on his shop, at about 1:30 p.m., two boys came to buy some goods, one of them asked for fruity from him and at the same time, second boy snatched his mobile phone VIVO V2030 from him and after snatching the mobile phone, both boys ran away from the spot. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the petitioner is in custody for a long period and as the investigation of the case is complete, the further custody of the petitioner may not be necessary. He

submits that the matter has been compromised between the parties and in this regard, the complainant has sworn an affidavit. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Krishan Kumar on the ground that the petitioner is involved in another case of similar nature. However, it is not disputed that the investigation is complete and no prosecution witness has been examined so far out of total seven witnesses.

After hearing the learned counsel for the parties, considering the above background and the fact that the trial is yet to commence, this court is of the opinion that the further detention of the petitioner behind the bars would not serve any useful purpose, who is presently confined in judicial custody after his arrest on 28.02.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Panipat.

October 13, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No