

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

**CRM-M-38657-2020 (O&M)
Date of Decision : 15.02.2021**

Sagar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mahavir Singh, Advocate for the petitioner.

Ms. Palika Monga, DAG Haryana,
for the respondent.

ALKA SARIN, J.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail pending trial to the petitioner in FIR No.0270 dated 23.03.2019 under Section 379A of the Indian Penal Code 1860 registered at Police Station Panipat City, Panipat. The first petition under Section 439 Cr.P.C. (CRM-M-14721-2020) was dismissed as withdrawn on 25.06.2020.

The FIR was lodged by one Deepak son of Madan Lal stating that he has a shop of computer accessories and that on 19.03.2019 at around 12 o'clock, his mother, Smt. Shanta Devi, was going to the bank to deposit cash. At that time, in the street with the Gym next to the bank, two youth on a Cherry coloured Acura came from the front and snatched the purse of his mother which contained around ₹7000/- and their names and address are not known. The complainant also stated that since he had to go out for some urgent work he could not lodge the complaint earlier.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the case, that the petitioner is not named in the FIR, that the petitioner has been in prison since 23.03.2019, and that the trial has already commenced so no useful purpose would be served by keeping the petitioner behind bars any longer.

A status report has been filed by the State by way of affidavit dated 16.01.2021 of Virender Singh, HPS, Deputy Superintendent of Police, City, Panipat wherein it is stated that preliminary investigation was conducted and the matter was enquired from Amit, Anil, Rahul, Deepak and Shanta Devi. Deepak and Shanta Devi produced the CCTV footage of the nearby location on the basis of which the petitioner and co-accused Anshul Bansal were arrested on 23.03.2019. The two accused voluntarily suffered their disclosure statements on 25.03.2019 admitting the manner in which they had committed the crime. On the basis of the separate disclosure statements, ₹2000/- and the Activa (HR-60AF-4541) were recovered from the petitioner and ₹200/- were recovered from the co-accused, Anshul Bansal. It is also stated that the final report has been presented to the Court on 05.08.2019 and that the petitioner is not involved in any other case. The recording of the Prosecution evidence is in progress and two official witnesses out of ten Prosecution witnesses have been examined. It is further stated that there was reasonable apprehension of the petitioner tampering with the Prosecution witnesses and absconding and, therefore, the petitioner ought not to be granted bail.

I have heard learned counsel for the parties. The petitioner is accused and facing trial in an offence of theft involving snatching the purse

amount, ₹2200/- has been recovered along with the Acura allegedly used in the crime. The trial is in progress and the petitioner has been behind the bars since 23.03.2019. The punishment under Section 379 IPC is imprisonment of upto three years, or fine or both. The petitioner has already been in prison for almost two years. There is no other case pending against the petitioner.

In view of the above and considering the fact that the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 Pandemic, no useful purpose would be served by keeping the petitioner behind the bars any further. Without commenting upon the merits of the case and keeping in mind the fact that petitioner has already spent almost two years behind bars and that there is no other case pending against the petitioner, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

15.02.2021

Yogesh Sharma

**(ALKA SARIN)
JUDGE**

**NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO**