

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

CRM-M-46170-2021 (O&M)

Date of Decision: 10th November, 2021

Saurabh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Ivneet Singh Pabla, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

AVNEESH JHINGAN , J.(Oral)

1. Due to COVID-19 situation, the Court is convened through video conference.

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 263, dated 18.10.2020, under Sections 379-B, 342 IPC , registered at Police Station Sadar Bahadurgarh, District Jhajjar.

2. In nutshell, the aforesaid FIR was registered against the petitioner on the basis of a complaint made by Arshad Khan. As per the FIR, on 18.10.2020, when the complainant was going from Jatwara Mohalla to Bus Stand, Bahadurgarh, two boys hired his e-rickshaw to bring some material from Mukundpur Water House. On the way, those boys picked up another boy and thereafter he was asked to bring articles from inside the water house. On entering in the water house, one of the boys covered the face of complainant with his towel. The accused tied complainant's hands with the string and snatched VIVO V-3 mobile phone, a sum of Rs.300/- and fled away from the spot in e-rickshaw. After registration of the FIR, the petitioner was arrested on 19.10.2020.

3. Learned counsel for the petitioner submits that co-accused was granted bail by this Court on 15th February, 2021. The recovery from the petitioner was of e-rickshaw. From the co-accused, mobile phone was recovered. He further submits that in spite of number of dates fixed, the complainant have not come forward for deposition and now his non-bailable warrant has been issued. Petitioner is in custody since 19th October, 2020. There is no headway in the trial.

4. Learned State counsel opposes the prayer for grant of regular bail. She submits that snatched e-rickshaw was recovered from the petitioner.

5. Heard learned counsel for the parties at some length.

6. Considering the custody period and fact that co-accused was granted bail by this Court, no recovery is to be made from the petitioner, complainant has not come forward for deposition, conclusion of the trial is likely to take time, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main case is allowed, pending application if any renders infructuous.

10th November, 2021

Parveen Sharma

(AVNEESH JHINGAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No