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

CRM-M-2631-2022

Date of Decision: 20.04.2022

Anuj Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Parveen Kaushik, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.276 dated 17.08.2021, registered under Sections 379-B and 34 IPC, 1860 and (Section 392 IPC and Section 25 of Arms Act, 1959 added later on) at Police Station Sector-06, Bahadurgarh, District Jhajjar.

The brief facts of the case are that on 16.08.2021 at about 10.00 PM when the complainant-Sandeep @ Makhan was sleeping in his hut, three young boys came inside his hut and asked for a smoke (bidi). When the complainant was about to take out a smoke, from his pocket, the three boys caught hold of him and one of the boys gave him knife blows on his hands and neck from behind and snatched away his mobile phone, make Vivo and fled. While they were trying to flee away one of them was caught hold of by the complainant and on being apprehended

disclosed his name to be Vikas S/o Jitender. The motorcycle was recovered from the spot. On the basis of the aforementioned facts, the present FIR came to be registered.

The learned counsel for the petitioner submits that the injuries purportedly caused by the petitioner are simple in nature. The petitioner is a first-time offender and is a young boy of the age of 19 years. He further contends that the petitioner has been in custody since 17.08.2021 and the investigation already stands completed. None out of the 22 prosecution witnesses have yet been examined. He, thus prays for the grant of regular bail.

On the other hand, the learned State counsel has stated that the petitioner is a main accused and the injuries caused to the complainant have been attributed to the petitioner. The recovery of a mobile phone and a knife was effected from him. However, he admits the period of custody of the petitioner as also the fact of the co-accused- Vikas has been granted the concession of regular bail by this Court.

I have heard the rival contentions of both the parties.

Admittedly, the co-accused of the petitioner Anuj Kumar has been granted the concession of regular bail vide CRM-M-45671-2021 dated 29.11.2021 passed by the Coordinate Bench of this Court (Annexure P-2). The petitioner is a first-time offender. The investigation stands completed and as many as 22 prosecution witnesses are yet to be examined.

Keeping in view the aforementioned facts, no useful purpose shall be served in keeping the petitioner incarcerated, moreso,

when the trial is not likely to be concluded in the near future. As such, the further incarceration of the petitioner is not required.

Thus, without adverting to the merits of the case lest it prejudices either side, I deem it appropriate to enlarge the petitioner on regular bail.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

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

(JASJIT SINGH BEDI)
JUDGE

20.04.2022

JITESH

Whether speaking/reasoned Yes/No

Whether reportable Yes/No