

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

210

**CRM-M-10701-2022
Date of decision: 12.05.2022**

GURMEET SINGH @ PITA

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. G.S. Sidhu, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional A.G. Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 129 dated 25.09.2021 (Annexure P-1) registered under Section 379-A and 34 of the Indian Penal Code, 1860 at Police Station Baragudha, District Sirsa.

2. The FIR in question had been registered on the statement of Manoj Kumar son of Nand Lal who has alleged that on 24.09.2021, at about 7 p.m. when the complainant was returning to his home on his scooty along with his helper, two motorcycles came around the petitioner when he reached between the village Jhiri and Bappan. There were two persons, riding separate motorcycles. They stopped the scooty of the complainant and took out mobile phone from the pocket of the complainant along with Rs.400/- along with Aadhar Card and Pan

Card. The complainant further submits that he could not note down the registration number of the motorcycle due to darkness, however, he identified the petitioner as one of the snatchers, on seeing him.

3. Learned counsel for the petitioner inter alia submits that the recovery of the mobile phone in question has been effected from co-accused Amandeep Singh @ Deep and Daljeet Singh @ Bittu. He submits that the petitioner does not have any criminal antecedents and that he has been in custody since 19.11.2021. He submits that the investigation in the case is complete and that the trial is likely to take some time as charge has been framed, however, the prosecution evidence has not yet commenced.

4. Learned State counsel has further submitted that the motorcycle in question was owned by the petitioner. He, however, could not dispute the fact that the petitioner does not have criminal antecedents and that no recovery of snatched articles has been effected from the petitioner.

5. Learned counsel for the petitioner controverts the said submission by arguing that the FIR does not disclose either the make, the model, colour or even the registration number of the alleged motorcycle and as such, the involvement of the petitioner is solely based upon statement of co-accused that has not led to recovery. Admissibility of such disclosure statement is yet to be determined by the trial Court. He further submits that continued incarceration of the petitioner is not likely to serve any further purpose.

6. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their

assistance.

7. Taking into consideration and circumstances noticed above, the period of custody already undergone, the role attributed by the petitioner, stage of the trial and without commenting on the merits of the case, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

8. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

MAY 12, 2022
vishal sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No