

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

211

**CRM-M-11900-2022
Date of decision: 25.03.2022**

KARTIK

....Petitioner

Versus

STATE OF HARYANA

...Respondent

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

Present : Mr. Dinesh Arora, Advocate
for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

1. The instant petition has been filed under Section 439 Cr.P.C. for seeking concession of regular bail in case FIR No. 701 dated 03.11.2021 under Sections 379-B/34 IPC and under Sections 201 IPC and 25 of the Arms Act (added later on) registered at Police Station Shivaji Colony, Rohtak.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the aforesaid case. He refers to the FIR to contend that as per the same, the assailants had come on a black colour Pulsar bearing registration No. HR-12T-38. It is further submitted that his purse and other belongings were taken away. He also refers to the supplementary statement made by the complainant on 06.11.2021 wherein there had been material improvements in the

initial version. The complainant now specifically named 03 persons including the petitioner and also mentioned the registration number of the motorcycle as HR-12Z-1937. Learned counsel submits that the following essential discrepancies/improvements are recorded.

(i) The name of the petitioner is suddenly disclosed after period of 03 days without any special circumstance or source on the basis whereof he became aware of the names.

(ii) The complainant had earlier given registration No. of the motorcycle as HR-12T-38, however, the registration number of the motorcycle was changed to HR-12Z-1937.

(iii) The complainant had in his first statement referred that the motorcycle was a black colour Pulsar whereas in the supplementary statement, the said motorcycle is white colour Apache. The said details have not been specifically mentioned in the recovery memo.

(iv) Even though, the purse in question is alleged to be contained ATM Card, Pan Card, driving license and other documents, however, there is no recovery of any of the alleged documents from the petitioner on the basis of his disclosure, if any.

(v) That it is alleged by the Police that the Mobile so snatched was allegedly sold by the petitioner to a stranger, however, even though the investigation is complete, yet, the said sale of the mobile by the petitioner has not been established.

3. Learned State counsel, on the other hand, opposes the petition and submits that the petitioner is involved in a heinous offence attracting Section 379-B IPC relating to snatching and that extension of any such concession would only promote him to repeat the said

offences. He, however, could not dispute the fact the investigation in the case is already complete and that even though the petitioner is in custody since 15.11.2021, however, charge has so far not been framed.

4. I have heard learned counsel for the parties and have taking into consideration discrepancies pointed out by the counsel for the petitioner and also the Stage of the trial and taking ground of the same as well as the fact that the trial Court is likely to take long time and custodial detention of the petitioner would not advance in any criminal justice.

5. Accordingly, 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, Rohtak.

6. 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.

7. 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.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 25, 2022
vishal sharma

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>