

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

221

CRM-M-12566-2022

Date of Decision : **April 20, 2022**

ABHISHEK

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Naveen Kashyap, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.469 dated 5.8.2021 under Section 379-A IPC, registered at Police Station Shivaji colony, District Rohtak.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 5.8.2021 and investigation of the case has been completed and the challan has been presented before the competent Court. He submitted that the present case has been planted upon the petitioner and has submitted that as per the allegation that one person had snatched bag from an old lady who is the complainant and as per the prosecution the same was recovered from the petitioner whereas when the complainant has stepped into the witness box she has stated that after the snatching took place the person was chased by the persons who had gathered there and he threw away the bag and fled away. He further submitted that there are material discrepancies between the prosecution

version and the statements made by the complainant. He submitted that he has been implicated only because of the reason that he was earlier involved in other case and due to that reason he was arrested in the present case and no identification has taken place. He further submitted that the trial of the case would take long time and, therefore, he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 5.8.2021 and the investigation of the case has completed and the challan has been presented before the competent Court. He has, however, opposed the grant of bail on the ground that the incidents of snatching are increasing day by day and there is likelihood that the petitioner may repeat the offence in case he is enlarged on bail.

I have heard the learned counsels for the parties.

The material witness who is the complainant has already been examined. The petitioner although is involved in another case but as per the learned counsel for the petitioner he is already on bail and, therefore, that would not come in the way while considering the grant of regular bail to the petitioner. The material witness has been examined and the trial of the case would take long time. So far as the apprehension expressed by the learned State counsel that the petitioner may repeat the offence in case he is enlarged on bail also deserves consideration. On a specific query being asked to the learned State counsel as to whether any material is available to express such an apprehension, he has not been able to give any reason thereof.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

April 20, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No