

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 15051 of 2022

Date of Decision: 20.4.2022

Sandeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. S.K.Panwar, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C., seeking the indulgence of regular bail, being granted to the petitioner.
2. In FIR bearing No. 343 of 7.12.2021, registered at Police Station Sushant Lok, District Gurugram, an offence constituted under Sections 379-A/34 IPC, is embodied.
3. The incriminatory role, as assigned to the bail petitioner, and, the co-accused, is of theirs snatching the mobile phone of the victim.
4. The learned State counsel, on instructions given to him by ASI Ashok Kumar, submits, that no recovery of any incriminatory mobile phone, is required to be effected, at the instance of the present bail petitioner, to the investigating officer concerned, as he did not snatch any mobile phone, at the crime site, and, as owned by the victim of the offence. He further submits that the principal offender is one Nitin, who allegedly snatched the mobile phone of the victim, at the crime site, and, the present bail petitioner

was merely accompanying him, at the crime site, as a driver of the motor cycle concerned. He also submits before this Court, that the principal offender has ensured recovery of the incriminatory mobile phone, to the investigating officer concerned.

5. Consequently, and, when it is also submitted by the learned State counsel, that after completion of investigations into the FIR (supra), an affirmative report under Section 173 Cr.P.C., has been instituted before the learned Magistrate concerned. Moreover, also when the present bail petitioner is suffering judicial incarceration since 29.1.2022. Therefore, this Court does not deem it fit, and, appropriate to further prolong the judicial incarceration of the bail petitioner, as, thereupons his personal liberty would become unnecessarily fettered, and, curtailed.

6. Consequently, the instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal and surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance, unless validly exempted.

7. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

April 20, 2022
Gurpreet

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