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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16763-2022
Date of Decision: 04.05.2022

Vikas

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Yashveer Kharb, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, 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.348 dated 29.11.2021, registered under Sections 379-A and 34 IPC, 1860 at Police Station Police Sector 13-17 Panipat, District Panipat.

The prosecution case in brief is that complainant-Reena Jain got registered the FIR that while she was going towards Ansal Market, two unknown youths riding on a motorcycle came to her and after snatching her mobile phone, escaped from the spot. On the basis of the said statement, the FIR was registered. Based on a supplementary statement, the registration number of the motorcycle was revealed by her. On further investigation, the petitioner came to be arrested. After completion of investigation, the report under Section 173 Cr.P.C. was submitted on 17.12.2021.

The learned counsel for the petitioner contends that petitioner was not named in the FIR and no test identification parade was conducted.

He contends that the police officials implicated them on account of the fact that they were not wearing masks on account of which, the police officials of Sector 13-17 Panipat had misbehaved with them leading to their false implication in the present case. He further contends that the petitioner is a first time offender and as many as 10 prosecution witnesses are to be examined.

On the other hand, the learned State counsel vehemently opposes the bail application and stated that there were chances of the petitioner absconding or intimidating witnesses, in case he is granted the concession of regular bail. He also contends that such offences are increasing day-by-day and therefore, the petitioner does not deserves the concession of regular bail.

I have heard the rival contentions of both the parties.

Admittedly, the petitioner has been in custody since 01.12.2021 and the challan already stands submitted. He is a first-time offender with no history of any prior criminal activity and there is nothing to suggest that he would misuse the concession of bail, in case he is granted the said concession. It would be relevant to mention here that as many as 10 prosecution witnesses are yet to be examined and the trial is not likely to be concluded in the near future. As such, the further incarceration of the petitioner is thus not required. Moreso, when his co-accused has been granted bail vide order dated 08.04.2022 (Annexure P-2).

Thus, without advertng 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

04.05.2022
JITESH

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