

226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17344-2022
Date of Decision:- 24.11.2022

Amit @ Mota

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Ms. Naveen Kashyap, Advocate
for the petitioner.

Mr. Vishal Kashyap, AAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.0185, dated 20.06.2020 under Sections 379-B, 392, 394(Later on Sections 411, 413 and 34) added of IPC registered at Police Station Murthal, Sonipat.

The counsel for the petitioner further submits that the FIR in the present case was registered against three young boys who attacked complainant Monu and snatched his motorcycle, mobile phone and cash worth Rs.5000/-.

Learned counsel for the petitioner further submits that police arrested Rajan and Ravi and on the basis of their disclosure, the petitioner

was nominated as accused. He further submits that the petitioner was arrested on 29.09.2020 and since then, he is languishing behind the bars. He further submits that complainant Monu has been examined but it will take considerable time for trial to conclude. The counsel for the petitioner further submits that co-accused Ravi and Rajan were granted regular bail by the Sessions Court. So, prayer is made that the petitioner be also released on regular bail.

The present petition is contested by the State counsel who on instructions from SI Surender submits that one motorcycle and cash worth Rs.1000/- were recovered from the petitioner who was arrested in this case on 29.09.2020.

The State counsel while resisting the present petition submits that the petitioner is a habitual offender and he is involved in six theft cases and further submits that the trial is going on and at this stage no ground is made out to grant regular bail to the petitioner. The report has been received from the learned trial Court as per which prosecution as already examined two witnesses including complainant Monu.

Admittedly, in the present case, FIR was registered against 3 unknown boys who snatched motorcycle, mobile and cash from the complainant namely Monu. During investigation of the case, co-accused Ravi and Rajan were arrested by the Police and later on, they were released on regular bail by the trial Court vide order dated 08.09.2020. The petitioner was nominated as accused on the basis of the disclosure statement made by the aforesaid Ravi and Rajan and was arrested on 29.09.2020. In the present case, there is no apprehension that if released on bail, the petitioner is going

to influence the complainant, the reason being the complainant has already been examined during the trial. The counsel appearing on behalf of the petitioner clarified that the petitioner has been granted bail in all the other criminal cases registered against him.

Till date only two prosecution witnesses have been examined and it will take considerable time from the trial to conclude. In view of the above, no purpose is going to be served by keeping the petitioner in custody for any longer period.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.11.2022
joyti

(KARAMJIT SINGH)
JUDGE

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