

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CRM-M- 23623 of 2021
Date of Decision:21.07.2022**

Jaswant Kumar

---Petitioner

versus

State of Haryana and another

---Respondents

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

Present: Mr. Kushager Goyal, Advocate
for the petitioner

Mr. Kanwar Sanjiv Kumar, AAG, Haryana

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 by the petitioner for seeking concession of regular bail in case bearing FIR No. 177 dated 10.03.2022 under Section 379-A of the Indian Penal Code, 1860 (Section 201 IPC added later on) registered at Police Station City Sirsa, District Sirsa.

Brief facts of the case are that the complaint-Kamaljeet Kaur had moved an application before the police to the effect that on 10.03.2022 around 10.15 A.M., when she was going from her home towards the bus stand, Sirsa and talking on her phone, suddenly two boys riding on bike coming from behind near Bhagat Singh Chowk, Sirsa snatched her mobile Lava Z61 Pro and fled away from the spot. The number plate and light of the motorcycle were broken.

Learned counsel for the petitioner contends that the petitioner

has been falsely implicated in the present case and there is no specific attribution against the petitioner and no test identification parade was carried out. He further submits that the petitioner is in custody since 11.03.2022 and that the investigation of the case is already complete and the final report has been filed on 20.04.2022. He contends that the petitioner does not have criminal antecedents and is not involved in any other case.

Learned State counsel submits that recovery of the mobile phone as well as the motorcycle on which the snatching had been executed, have been recovered. He does not dispute the fact that investigation is complete. It is also not disputed that the petitioner does not suffer from any criminal antecedents. There is no denial of the compromise that was arrived at between the parties and appended by the petitioner with the instant petition as Annexure P-4. It is submitted that the charge has not been framed so far.

I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

Taking into consideration the circumstances noticed above and also the period of custody along with the stage of trial, as well as the clean antecedents of the petitioner and the settlement/compromise executed between the parties, 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, concerned.

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.

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.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

21.07.2022

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No