

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

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CRM-M-24739-2022

Date of Decision: 06.07.2022

DEEPAK KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present: Mr. Dinesh Sharma, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.35, dated 30.01.2022 under Sections 379-B, 34, 341, and 506 of the Indian Penal Code, 1860, registered at Police Station Buria, District Yamuna Nagar.

Learned counsel appearing on behalf of the petitioner *inter alia* contends that as per the case of prosecution, on 30.01.2022 when the police officials were on law and order duty and had reached near Surya Kund, Amadalpur, complainant Surender Kumar submitted a complaint alleging therein that he alongwith his friend Mistri Gian Chand had consumed liquor. On 28.01.2022 at about 01.30 PM, while he was going on his motorcycle from Jagadhri to his village Sugh and reached near Krishna Plywood, three young boys came on a motorcycle and waylaid them by putting their motorcycle in front of the motorcycle of the complainant. One of the boys sat on pillion seat of his motorcycle and forcibly snatched his

mobile bearing SIM No.9050521646 make 'Oppo' alongwith his Aadhar Card, Smart Card and Ayushman Card that were kept in the cover of mobile and mobile of his friend from his pocket. Suddenly, boy sitting behind him made an attempt to strangle the complainant by pulling his muffler, due to which he fell down alongwith his motorcycle. Thereafter, the boys gave beatings to him and hit on his head with some sharp edged object. The complainant raised hue and cry, which attracted the passersby and the assailants fled away from the spot while leaving their motorcycle make 'TVS Star' at the spot bearing registration No.HR-02AW-4819.

Learned counsel for the petitioner submits that thereafter, the petitioner was arrested in the present case on 03.02.2022. He further submits that as per the charge-sheet, no recovery has been effected from the petitioner in the present case. He submits that the investigation in the case is complete and there is no other criminal case against the petitioner. It is further contended that trial is yet to commence and even the charges have not been framed so far.

On the other hand, learned State counsel opposes the prayer made by the learned counsel for the petitioner by stating that as per the information received by him, a mobile phone belonging to the friend of the complainant was recovered from his possession. It is also pointed out that the petitioner is involved in yet another case bearing FIR No.129 registered under the Arms Act. However, no other case has been registered against the petitioner with regard to the offence of snatching or theft.

I have heard the learned counsel for the respective parties and have gone through the documents available on record.

Taking into consideration the period of custody undergone by the petitioner and the absence of his involvement in any other similar case, except the one under Arms Act, and also keeping in view the stage of investigation/trial, I deem it appropriate to allow the present petition.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of 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 observations 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.

Petition stands allowed accordingly.

(VINOD S. BHARDWAJ)
JUDGE

06.07.2022
rajender

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