

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

219

CRM-M-29318-2022 (O&M)

Date of Decision: 19.09.2022

SAGAR ALIAS KATWA

...Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. JS Dahiya, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.190 dated 02.08.2021, registered under Sections 379-B, 411, 392, 397, 34 IPC and Section 25/54/59 of the Arms Act, at Police station HSIIDC Barhi, Sonapat.

Status report by way of an affidavit dated 15.09.2022 of the Deputy Superintendent of Police, Ganaur, Sonipat, filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioner submits that initially the FIR was lodged against three unknown persons; that, as per the prosecution, two mobile phones, a motorcycle and some amount was snatched from the complainant and that after the arrest of the petitioner in FIR No.223 dated 12.09.2021, he has been indicted in the present FIR on 13.09.2021 and since then he has been in custody. He further submits that

now the complainant has given an affidavit before the investigating agency stating therein that the petitioner is not an accused in the present case.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that a Pulsar motorcycle and Rs.1,000/- beneath the seat, was recovered from the petitioner.

I have heard the learned counsel for the parties.

As per the learned counsel for the petitioner, the petitioner was arrested in FIR No.223 dated 12.09.2021 and thereafter, indicted in the present FIR on 13.09.2021 and since then he has been in custody. Complainant in his affidavit has specifically stated that the petitioner is not an accused in the present case. Some of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

19.09.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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