

(237) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32229-2022

Date of Decision: 08.08.2022

Amrik @ Bittu

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gaurav Vir Singh Behl, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.101 dated 05.04.2022 under Section 379-A IPC registered with Police Station Saha, District Ambala.

2. The present FIR came to be registered at the instance of Ankit son of Sh. Devi Chand, who stated that he was working as an Operator in Industrial Area, District Saha at a factory. On 03.04.2022, at about 03.00 PM while returning from the factory, when he reached near the Airtel Company, a motorcycle came near him on which three persons were seated, who tried to stop him. He however, did not stop and the said three riders on a motorcycle came from behind and snatched away his mobile phone. He stated that he could recognise them, if they were brought before him.

3. The learned counsel for the petitioner submits that the petitioner has not been named in the FIR and has not been arrested at the spot. The prosecution story is completely improbable and despite the occurrence having taken place in the afternoon, there is no independent eye-witness to the incident. The CCTV footage allegedly relied upon by the complainant does not further the case of the prosecution and the petitioner has been arrested on suspicion alone. He contends that no recovery other than the motorcycle has been made from him. He submits that the challan stands submitted on 02.06.2022 and none of the 05 prosecution witnesses have been examined so far and therefore, in view of the delayed trial, the further incarceration of the petitioner is not required.

4. On the other hand, the learned State counsel while opposing the bail application of the petitioner submits that the petitioner has been identified as per the CCTV footage of the alleged occurrence. The recovery of a motorcycle has been effected from him and even otherwise, he is involved in one other case, though in that case, he has been granted the concession of regular bail by the Court of learned Judicial Magistrate, 1st Class, Ambala vide order dated 21.12.2021. He therefore contends that the nature of the allegations against the petitioner do not entitle him to the grant of bail.

5. I have heard the learned counsel for both the parties at length.

6. Admittedly, the petitioner has been in custody since 07.04.2022 and the investigation stands completed. None of the prosecution witnesses have been examined so far and therefore, the trial of the present case is not likely to be concluded in the near future. The further incarceration of the

petitioner is not required. Further, the petitioner has been granted the concession of regular in another FIR registered against him under Sections 457/380 IPC.

7. 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 and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

08.08.2022

JITESH

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