

**CRM-30936 of 2022 in/and
CRM-M-32685 of 2022**

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

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**CRM-30936 of 2022 in/and
CRM-M-32685 of 2022
Date of Decision:21.09.2022**

Ajay @ Chhota

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Gurmeet Kaur, Advocate, for
Mr. Rajesh Duhan,
Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

CRM-30936 of 2022

Vide this application, the applicant-petitioner seeks to place on record the amended head note as well as amended prayer clause of the petition and further seeks to place on record Annexures P-3 to P-5.

It has been averred in the application that during the pendency of the present petition (CRM-M-32685 of 2022), charges have been framed against the applicant-petitioner for the commission of offences punishable under Sections 392 read with Section 397 IPC, 201 read with Section 34 IPC and Section 25 (1B) of the Arms Act.

In view of the aforesaid position, the application is allowed and the documents as mentioned in the application are taken on record as Annexures P-3 to

P-5 respectively. The necessary correction be made in the headnote as well as in the prayer clause.

Main case

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.90 dated 16.02.2021, under Section 379-B and 201 read with Section 34 IPC and Section 25 of the Arms Act (Section 54 & 59 of the Arms Act were deleted) and charge sheeted under Section 392 read with Section 397 read with Section 34 IPC, 201 read with Section 34 IPC and 25 (1B) of the Arms Act, registered at Police Station Samalkha, District Panipat.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 06.03.2021 which is about 1½ years. She submitted that as per the allegations, the petitioner alongwith other persons had snatched a vehicle and one mobile phone. She submitted that in fact it was a concocted story made by the police in connivance with the complainant and now four prosecution witnesses have already been examined at the time of the trial and no recovery is to be effected from the petitioner. Therefore, the petitioner may be considered for grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has submitted that although the petitioner is in custody for the last 1½ years but he is also involved in three other cases of NDPS Act. He also submitted that a car has already been recovered and no other recovery is to be effected.

I have heard the learned counsel for the parties.

The petitioner has already faced incarceration for about 1½ years and

according to the learned counsel for the parties four witnesses have already been examined. No further recovery is to be effected from the petitioner. Although the petitioner is stated to be involved in three more cases but the subject matter of all the three cases is not similar to the present subject matter i.e. snatching but pertain to the offence under the provisions of the NDPS Act. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence the witnesses or flee from justice.

Consequently, this Court is of the view that the petitioner deserves the concession of regular bail, therefore the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

**(JASGURPREET SINGH PURI)
JUDGE**

September 21, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No