

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-36651-2022

Date of Decision:-25.08.2022

Pankaj Kumar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ashwani Nagra, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.101 dated 05.04.2022 under Sections 379-A IPC registered at 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 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. 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, more so when his co-accused Amrik @ Bittu has been granted the concession of regular bail vide order dated 8.8.2022.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Pankaj Kumar** son of Sh. Sakaladhari Sahni 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

August 25, 2022
Vinay

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