

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

CRM-M-36415-2022
Date of Decision:-**15.09.2022**

NAVEEN @ BACHI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Kuldip Sharma, Advocate
for the complainant.

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KARAMJIT SINGH, J. (Oral)

Instant petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in a criminal case bearing FIR No.53 dated 21.2.2022 registered under Sections 148, 149, 323, 506 IPC (Sections 325, 379-B IPC added later on) at Police Station City Mahendergarh District Mahendergarh.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the petitioner is in custody for the last more than 6 months. The counsel for the petitioner

further submits that initially the FIR in the present case was registered under Sections 148, 149, 323, 506 IPC. The counsel for the petitioner further submits that vague allegations of snatching are levelled in the FIR regarding one gold locket. The counsel for the petitioner further submits that after completion of investigation, the police has presented the challan and charges have been framed and it will take time for the trial to conclude. So prayer is made for grant of regular bail to the petitioner. The counsel for the petitioner submits that co-accused namely Vashu, Rahul, Parveen @ Dabar Lal and Raj Kumar are granted regular bail vide orders Annexures P-3 to P-5 by the Court of learned Sessions Judge, Narnaul while co-accused Amit Sharma has been granted interim bail by this Court vide order Annexure P-2.

The instant petition is contested by the State counsel as well as the counsel for the complainant, both of whom submitted that in the present case during investigation offence under Section 325 and Section 379-B have been added and accordingly challan has been presented but trial is yet to commence as such prayer is made that the present petition be dismissed.

I have considered the submissions made by counsel for the parties.

As per the allegations appearing in the FIR, the petitioner and his accomplices assaulted complainant-Arvind and his friend Mohit and the chain of Mohit was either lost during the fight or snatched by the accused persons. So there are no specific allegations regarding snatching of anything including gold chain against the present petitioner, who is in custody for the last more than 6 months. The offences punishable under Sections 323 and 325 IPC are bailable offences. As has been stated by the State counsel, after

completion of investigation challan has been presented and charges are framed but it will take time for the trial to conclude. Undoubtedly some of the co-accused have already been granted regular/interim bail as is evident from Annexure P-2 to Annexure P-5.

In view of the above, as it will take time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

However, in future if the petitioner commits offence of similar nature, then the prosecution will be at liberty to seek cancellation of the bail of the petitioner in the present case.

(KARAMJIT SINGH)
JUDGE

15.09.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No