

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37087-2022

Date of decision : 26.08.2022

Ashish

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Yashveer Kharab, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.847 dated 12.12.2021 registered under Sections 379-A, 34 IPC at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 12.12.2021 and the investigation is complete and the challan has already been presented and there are 10 witnesses and out of which, only 2 witnesses have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is further submitted that the FIR was registered on the allegation that two persons had snatched the purse of one lady Suman and thereafter, on shouting of the said lady, the police had arrested the said two persons and one of the said person was the present petitioner. It is stated that the said lady Suman as well as her husband have been examined as PW2 and PW1

the persons who had snatched the purse and mobile phone and thus, have not supported the case of prosecution. It is further stated that earlier regular bail petition of the petitioner was withdrawn on 13.05.2022 and thereafter the said two witnesses have been examined on 25.07.2022 and thus, on account of the said subsequent circumstances and also the additional custody of 3 months and 13 days, would entitle the petitioner to file the present second regular bail petition.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that as per the FIR, the petitioner and co-accused were apprehended at the spot and the recovery was effected from them. However, other facts have not been disputed.

This Court has heard learned counsel for the parties and has perused the paper book.

As per the FIR, two persons had snatched the purse of one lady Suman which also contained a mobile phone and they were apprehended by the police. Said Suman has appeared in the witness box as PW-2 and even her husband Roshandeep Narang had appeared as PW-1 and both the said witnesses have specifically stated that they did not see the persons who had snatched the purse and mobile phone of Suman and they cannot identify them. The petitioner has been in custody since 12.12.2021 and the investigation is complete and the challan has already been presented and there are 10 witnesses and out of which, only 2 witnesses have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. The first bail petition of the petitioner was withdrawn on 13.05.2022 and subsequently Suman and Roshandeep Narang have not supported the case of the prosecution while appearing as

witnesses on 25.07.2022, i.e. after passing of the order dated 13.05.2022 and thus, the said fact as well as subsequent additional custody of 3 months and 13 days would entitle the petitioner to file the present second petition for regular bail.

Keeping in view the above said facts and circumstances, 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 concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

August 26, 2022
Davinder Kumar

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