

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

CRM-M-40735-2022

Date of Decision:-12.09.2022

Sagar.

.....**Petitioner.**

Versus

State of Haryana.

.....**Respondent.**

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

Present:- Mr. Rajender Singh Duggal, Advocate for the Petitioner.

Mr. Vikrant Pamboo, Deputy 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.148 dated 06.06.2022 under Sections 379-A and 34 IPC registered at Police Station Civil Lines Rohtak, District Rohtak.

The brief facts of the case are that Bhavishy son of Sh. Sushil Kumar was going while talking on his mobile phone no.8685828270 Mark Redmi-8 when at about 1.30 pm when he had proceeded to Premnagar, Rohtak, two boys came on a Activa and the boys sitting on the back side snatched his phone. The Activa number was seen to be HR-10S-1934. He shouted and the boys who were riding the Activa got stuck in a traffic jam and with the help of policeman one of the boy was apprehended. On asking, he disclosed his name as Kirtan son of Rakesh. The name of the petitioner surfaced during the disclosure statement of the main accused.

The Counsel of the petitioner contends that there is absolutely no evidence available against the petitioner except the disclosure statement of his co-accused. The petitioner has been falsely implicated at the instance

of the main accused Kirtan. In fact the Activa allegedly used in the incident does not belong to the petitioner. He is in custody since 10.06.2022 and none of the 11 prosecution witnesses have been examined so far. Therefore, the trial is not likely to be concluded in near future and as such his further incarceration is not required.

The Counsel for the State on the other hand contends that the main accused was arrested at the spot and subsequently he disclosed the name of the petitioner. The culpability of the petitioner is *prima facie* established. Mere length of custody is not a ground to grant bail to the petitioner in view of the serious nature of the offence. He however, does not dispute the fact that the petitioner is a first time offender with no other case against him.

I have heard counsel for both the sides at length.

Admittedly, the petitioner is in custody since 10.06.2022. None of the 11 prosecution witnesses have been examined so far. In this situation the trial is not likely to be concluded in near future. Therefore, the further incarceration of the petitioner is not necessary.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner-**Sagar** son of Sh. Suresh 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.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 12, 2022

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