

203A IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45300-2021
Date of Decision: 17.02.2022

Sandeep Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vikas Bishnoi Godara, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

Through Video Conferencing

JASJIT SINGH BEDI, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No.190 dated 29.08.2021 under Sections 379-A and 34 of the IPC, 1860 registered at Police Station Bhattu Kalan, District Fatehabad (Annexure P-1).

The learned counsel for the petitioner has submitted that the allegations in the present FIR are that, while the complainant after having alighted from the bus, was walking towards her house, two persons on a motor-cycle stopped her, on the pretext of inquiring about a route and then suddenly the pillion rider tried to snatch a gold Kanthi and one Tabeez, which she was wearing around her neck. It is further stated that the accused had forcibly snatched away her mobile phone and during this scuffle, her earrings fell on the road, which were snatched away by them. Both the accused thereafter, fled away on the motor-cycle bearing No.HR-22-R-9937.

On the intervening night of 29/30.08.2020, the petitioner was arrested and since then he has been in custody.

The learned counsel for the petitioner states that there is an unexplained delay in lodging the FIR, which goes to the root of the matter. He further states that nothing incriminating has been recovered from the petitioner. The further incarceration of the petitioner is not required as post investigation the challan stands presented.

The learned State counsel opposes the grant of regular bail by contending that there are serious allegations against the petitioner and he would abscond from the trial in case he is released on bail. He further states that, as per the investigation recovery of gold *Kanthi*, gold *Tabeez*, earrings and mobile phone that were snatched from the complainant, were effected from the accused persons. Therefore, the petitioner does not deserve the concession of regular bail.

I have heard the learned counsel for the parties.

Admittedly, the petitioner has been in custody since 29/30.08.2020. The investigation stands concluded and the charges in the present case have been framed. The trial would take some time to conclude as out of 09 prosecution witnesses none has been examined, so far. The further incarceration of the petitioner is therefore, not required.

Without commenting on the merit of the case and considering the totality of circumstance, 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 meant for the purpose of deciding the present petition only.

17.02.2022
JITESH

(JASJIT SINGH BEDI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No