

CRM-M-48314 of 2022

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

CRM-M-48314 of 2022
Date of decision: 13.12.2022

Ankit

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Rajesh Gupta, Advocate, for the petitioner.
Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.94 dated 25.03.2022 under Section 379-A IPC (Sections 201, 34 IPC added lateron), registered at Police Station Line Par, Bahadurgarh, District Jhajjar.

The case of the prosecution is that the complainant was returning back to his home on his bicycle, when three men, on a scooty stopped in front of him and two of them sat behind him on his bicycle and asked to ride and after certain distance, pushed him due to which he along with his bicycle fell on the road and they snatched away his mobile phone make Samsung and fled. The phone was stated to be containing two SIM cards bearing numbers as mentioned in the FIR.

On issuance of notice of motion, learned State counsel has filed the status report dated 05.12.2022 by way of an affidavit of Arvind Dahiya,

CRM-M-48314 of 2022

Deputy Superintendent of Police, Bahadurgarh, District Jhajjar, on behalf of the respondent-State and custody certificate, which are taken on record. In para 7 of the status report it has been submitted that at the time of arrest, a blue colour Samsung mobile phone bearing IMEI No.359260575336372 was recovered from the pocket of the petitioner and the same was taken into possession by the police vide recovery memo.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case and he is in custody for the last more than four months and no recovery is to be effected from him as the alleged mobile phone has already been recovered. He further submits that final report under Section 173 Cr.P.C. has already been submitted in the Court of learned Area Magistrate on 25.08.2022 and the petitioner is not involved in any other case. Trial is likely to take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars during trial.

Per contra, learned State counsel opposed the prayer for grant of regular bail to the petitioner. However, she could not refute the abovesaid contentions of the learned counsel for the petitioner that no recovery is to be effected from the petitioner and the case is now fixed for framing of charge as the challan has already been presented and that the petitioner is not involved in any other case.

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody period of the petitioner i.e. 04 months and 22 days as per custody certificate dated 12.12.2022; no recovery

CRM-M-48314 of 2022

is to be effected from the petitioner; he is not involved in any other case and the fact that conclusion of trial is likely to take a considerable time as the case is at the stage of framing of the charge, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

13.12.2022

R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No