

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-52488-2022

Date of Decision: 18.11.2022

DINESH

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG Haryana.

DEEPAK MANCHANDA J.

The petitioner is seeking regular bail in the case bearing FIR No. 311 dated 16.10.2021, under Sections 341, 379-B, 395, 397, 412 of IPC, registered at Police Station Salhawas, District Jhajjar.

Custody certificate filed in the Court today and the same is taken on record.

The prosecution story is that on 16.10.2021, complainant Ved Parkash submitted a complaint to the police by stating that he is resident of village Siwani. On 15.10.2021, he with his friend Parvinder and sister-in-law of Parvinder namely Pushpa came to attend the marriage function at village Akheri Madanpur. After attending marriage, at about 11:00 PM, they left to go to village Jhaal in their car Make Nissan Sunny bearing registration No. HR-51AQ-6325. When they reached between village Ladan and Jamalpur, one Swift Dzire bearing registration No. HR-

72D-7803, came in front of their car from wrong side. The driver of the

Swift Dzire care parked his care in front of the car of the complainant. Five boys alighted from that car and circled them. One of them was having pistol in his hand and others were having dandas. They snatched the keys of the car and mobile phone, cash amount from Parvinder on gun point. During the process of snatching, they were calling them as Sourabh, Deepak, Daku, Dinesh (petitioner-accused) andd Ravi Ganja. After snatching, they ran towards Salhawas. With the afore-said allegations, the present FIR was registered. As per case of the prosecution, the Registration Certificate of the snatched car was recovered from petitioner-accused.

Learned counsel for the petitioner has claimed parity with the co-accused Govind @ Ganja, who has already been granted regular bail by the trial Court, from whom *Danda* was recovered. The petitioner-accused is alleged to have snatched the RC of the car bearing registration No. HR-51AQ-6325, which was recovered from him. Learned counsel for the petitioner has further prayed for release of petitioner on the ground that petitioner has already undergone 1 year and 25 days of custody. Apart from this case, the petitioner has has been stated to be involved in FIR No. 266/2021, dated 15.10.2021 under Section 379B of IPC, in which he has been enlarged on bail.

Custody certificate furnished by learned State counsel shows that the accused has undergone actual period of 1 year and 25 days in custody.

Learned State counsel opposed the bail application on the ground that the petitioner has actively participated in the alleged crime and his *prima facie* involvement cannot be rulled out in the instant case.

Having heard learned counsel for the parties and gone through the case file and custody certificate, it is significant to note that the petitioner is in custody for a period of 01 year and 25 days. Investigation of the case has been completed. Conclusion of the trial shall take considerable long time. No useful purpose would be served by keeping the petitioner in further incarceration.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(DEEPAK MANCHANDDA)
JUDGE

18.11.2022
Ajay Goswami

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