

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-54661-2022 (O&M)

Date of Decision: 01.12.2022

KARAMBIR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Ms.Dimple Nagpal, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

Through the instant petition under Section 439 Cr.P.C, petitioner is seeking grant of regular bail in FIR No.292 dated 14.07.2022 under Sections 379-A, 511, 427 of the Indian Penal Code, registered at Police Station City Jhajjar.

Learned counsel for the petitioner would submit that petitioner is a 24 years young boy and he has been wrongly implicated in the alleged offence. The petitioner is in custody since 15.07.2022. Challan has already been presented and charges stands framed. No useful purpose would be served by keeping the petitioner in dungeon. The petitioner is not involved in any other case.

Learned state counsel on instruction states that petitioner has committed serious offence of snatching of mobile and he does not deserve leniency.

Trial should not become mere ritual and in the hands of prosecution.

Long incarceration deprives an accused from his valuable fundamental right to

contest the charges made against him. This goes against first and foremost principle of 'equality before law and equal protection of law' on which rests entire chapter of fundamental rights. These all factors have compelled the courts to believe and implement 'bail is rule and jail is exception'.

It is imperative to keep the accused incarcerated to maintain law & order; secure justice to victims who had suffered for no fault; secure presence of accused; allay possibility of repeating of offence & jeopardising own life on account of grim prospect of being convicted; possibility of tampering of evidence and security of witnesses who may be pressurised or maltreated.

In the case in hand:

- i. The petitioner is in custody since 15.07.2022 and there is allegation of snatching of a mobile;
- ii. Challan stands already presented;
- iii. Charges have already been framed;
- iv. there are 8 witnesses and there is no possibility of conclusion of trial in near future;
- v. The State has not brought on record any evidence, documentary or oral, indicating manipulation/ winning over/ threatening/ destruction of witnesses/evidence;
- vi. The State has not adduced any evidence indicating that there is possibility of petitioner being flee from justice which would frustrate object of proceedings initiated against the petitioner;
- vii. The Petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- viii. The Petitioner is not involved in any other offence;
- ix. The petitioner is resident of Jhajjar and trial is pending at

Jhajjar, thus, jurisdictional court and police authorities have direct access over the activities of the petitioner.

- x. The alleged offence is more or less based upon documents which are in the custody of prosecution.

In view of above narrated facts, this court is of the considered opinion that present present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail subject to conditions imposed by trial Court/CJM/Duty Magistrate keeping in mind guidelines laid down by a three judge bench of the Supreme Court in *Hussainara Khatoon (I) Vs Home Secy., State of Bihar (1980) 1 SCC 81*.

(JAGMOHAN BANSAL)
JUDGE

01.12.2022

mohit kumar

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