

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

222

CRM-M-57246-2022

Date of Decision: 13.12.2022

Sahab Singh @ Kala @ Thumra

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Venu Gopal, Advocate for the petitioner

Sandeep Moudgil, J. (Oral)

(1) The petitioner has filed petition under Section 439 CrPC seeking regular bail in case FIR No.401 dated 01.06.2022 under Sections 379-A IPC (Section 120-B, 201 IPC added later on), registered at Police Station Krishna Gate, Thanesar, District Kurukshetra.

(2) Learned counsel for the petitioner contends that the mere allegation was with regard to the snatching of mobile phone. The said mobile phone was recovered from the pocket of the petitioner. The petitioner is behind the bars from almost 6 months. He further states that the charges have been framed and, therefore, the petitioner is not required for custodial interrogation, in any manner, whatsoever.

(3) Notice of motion.

(4) On the asking of the court, Mr. Surender Singh, AAG Haryana accepts notice. He has filed custody certificate dated 12.12.2022, which is taken on record, according to which, the petitioner has undergone 5 months and 24 days of actual custody, so far. He further states that during the course of trial, out of 15 witnesses, only 5 witnesses have been examined, so far and now, the next date before the trial court is fixed for 04.01.2023.

(5) Keeping in view the totality of the facts and circumstances and the fact that the mobile phone has already been recovered from the petitioner and that no further custodial interrogation is required, and since the conclusion of the trial is likely to take time, no fruitful purpose would be served by keeping the petitioner behind the bars. Hence, this petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Illaq Magistrate, concerned.

13.12.2022
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No