

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-989-2023

Date of Decision: 28.03.2023

KHERUDDIN

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Nafees Ahmad Khan, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA J. Oral

Instant petition has been filed under Section 439 Cr.P.C. seeking regular bail in the case bearing FIR No.290 dated 22.09.2022 registered under Section 379-A/34 of the Indian Penal Code at Police Station Industrial Sector 7, Manesar, District Gurugram.

On 22.09.2022, complainant-Shivdeep lodged the complaint that on 21.09.2022 when he was going back to his home from his company M/s Little Lip after finishing his work, on the way two bike riders on a black coloured bike snatched his mobile phone and fled away from the spot. On these allegations, the present FIR was registered.

Learned counsel for the petitioner contends that petitioner has been falsely implicated as he has not been named in the present FIR. He contends that as per the case of the prosecution, during investigation in FIR No. 226 of 2022, Police Station Manesar, the petitioner suffered disclosure statement with regard to his involvement in the present case. Learned counsel for the petitioner submits that charges have been framed on

04.03.2023 and out of total 9 prosecution witnesses, none has been examined till date. He prays for bail.

On the other hand, learned State Counsel on instructions from the Investigating Officer has opposed the aforesaid prayer on the ground that the petitioner is a habitual offender and is involved in other cases also of similar nature. However, he does not dispute that the charges have been framed however, no prosecution witnesses have been examined so far.

Having heard learned counsel for the parties and gone through the case file and custody certificate filed by learned State counsel, it is significant to note that the petitioner is in custody for a period of more than 05 months. Investigation of the case has been completed and challan stands presented. However, the charges have been framed on 04.03.2023. 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.

28.03.2023
sapna

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No