

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1577-2023

Date of Decision: 17.01.2023

Kuldeep @ Gursewak

.... Petitioner

Versus

State of Haryana

.... Respondent

**CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: - Mr. V.B. Godara, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

**ASHOK KUMAR VERMA, J. (ORAL)**

Custody certificate dated 16.01.2023, filed by learned counsel for the State is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 493 dated 15.09.2022 registered under Section 379-A read with Section 34 IPC at Police Station City Fatehabad, District Fatehabad.

As per prosecution story, on 14.09.2022 at about 9.00 P.M. the petitioner along with his co-accused-Karan Singh and Kuljeet Singh, while riding on a motorcycle had snatched the mobile phone from complainant when he was standing in front of Tuteja Jewellers, Fatehabad. The petitioner was apprehended at the spot and the snatched mobile phone was recovered from him.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the present case. He is not a habitual offender as he is not involved in any other case. The offence is triable by a Magistrate. The snatched mobile phone had already been recovered from the petitioner. Challan has already been presented before the trial Court but the charges are yet to be framed. The petitioner is in custody since 14.09.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Co-accused of the petitioner, namely; Karan Singh and Kuljeet Singh, have already been granted the concession of anticipatory bail by this Court, vide orders dated 16.11.2022 and 21.11.2022 (Annexures P-3 and P-4, respectively). Therefore, treating the case of the petitioner on the same parity as that of his co-accused, he may be released on regular bail.

On the other hand, learned State counsel has opposed the present petition. However, he fairly conceded the fact that the petitioner is not involved in any other case.

Keeping in view the facts and circumstances of the case and also the fact that co-accused of the petitioner, namely, Karan Singh and Kuljeet Singh, have already been granted the concession of anticipatory bail by this Court, vide orders dated 16.11.2022 and 21.11.2022 (Annexures P-3 and P-4, respectively), but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Kuldeep @ Gursewak, is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

January 17, 2023  
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(ASHOK KUMAR VERMA)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |