

CRM-19433 of 2023 in/and
CRM-M-1878 of 2023

2023:PHHC:063941

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-19433 of 2023 in/and
CRM-M-1878 of 2023
Date of decision: 04.05.2023

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.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Ashok Kaushik, Advocate, for the petitioner.
Ms. Gaganpreet Kaur, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

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1. This application has been filed by the applicant-petitioner under Section 482 Cr.P.C. for preponement of date of hearing of the main case, which is fixed for 31.05.2023.

2. Notice.

3. Ms. Gaganpreet Kaur, DAG, Haryana, accepts notice on behalf of the respondent-State and has no objection to the preponement of date of hearing of the main case.

4. In view of the above, application is allowed. Date of hearing of the main case is preponed from 31.05.2023 and the same is taken on board today itself.

CRM-M-1878 of 2023

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.633 dated 04.10.2022 under

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Section 379-A IPC, registered at Police Station City Palwal, District Palwal.

2. Present FIR has been registered on the complaint of complainant Sunder alleging that on 03.10.2022, he and his friend Sandeep were going towards bus stand Palwal at around 6.30 p.m. He was talking on his mobile phone. In the meanwhile, one boy came from a bike and snatched his mobile phone and run away. There was no registration number on that bike. During investigation of the case, petitioner was arrested on 05.10.2022. During interrogation, he admitted his involvement in the occurrence. He also got recovered a motorcycle used by him in the occurrence. He also got recovered a mobile phone of the complainant and three other stolen mobile phones.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case due to previous enmity with the complainant-party. He further submits that the petitioner is in custody since 05.10.2022. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed; out of total 18 prosecution witnesses 09 witnesses have been examined till date and next date before the trial Court for prosecution evidence is 15.05.2023. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel has opposed the prayer for grant of regular bail to the petitioner. However, she has not disputed the custody period of the petitioner and the fact that out of total 18 prosecution witnesses only 09 witnesses have been examined till date. She submits that petitioner is involved in one more case, however, he is on bail therein.

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5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody of the petitioner, which is about seven months; investigation is complete; challan has been presented; charges have been framed and out of 18 witnesses, nine prosecution witnesses have been examined; and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed of accordingly.

04.05.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No