

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

CRM-M-3517-2023

Date of decision: 28.04.2023

Sudhir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Virender Kumar, Advocate for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

1. Petitioner has filed the instant petition under Section 439 Cr.PC seeking regular bail in case FIR No.94 dated 25.03.2022 under Section 379-A of IPC (Sections 201/34 IPC added later on), registered at Police Station Line Par, Bahadurgarh, District Jhajjar (Annexure P-1).

2. The brief facts of the prosecution case are that the complainant was returning back, to his home, on his bicycle, when three men, on a Scooty, stopped in front of, him and two of them, sat behind him, on his bicycle and asked to ride and after certain distance, pushed him due to which, he along with his bicycle fell on the road. He suffered injuries and the offenders snatched away his mobile phone, make Samsung and fled. The FIR was registered, on the basis of the complaint lodged by the victim.

3. Learned counsel for the petitioner *inter alia* contends that only role attributed to the petitioner is that the petitioner pushed the complainant who was sitting on his cycle, due to which the complainant fell down from the cycle and co-accused Ankit snatched the mobile phone of the complainant. He further submits that the investigation in the present case is complete; challan has been presented; charges have been framed and out of total 19 witnesses none has

been examined. He submits that petitioner is in custody since 20.07.2022. He is not involved in any other case. 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, while placing on record, custody certificate and status report, opposes the prayer for grant of regular bail to the petitioner by stating that petitioner has actively participated in the crime therefore, he is not entitled for the concession of grant of regular bail. However, she could not dispute that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 19 witnesses none been examined; and the petitioner is not involved in any other case. Trial may take a considerable time to conclude.

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 09 months and 07 days; investigation is complete; challan has been presented; charges have been framed and out of total 19 witnesses none been examined; no recovery has been effected from the petitioner; petitioner is not involved in any other case and trial is likely to take a considerable time.

7. Resultantly, without meaning 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 trial Court/Duty Magistrate concerned.

8. Accordingly, the present petition stands disposed of.

9. Nothing observed herein shall be construed as an expression of opinion on the merits of the case of either parties.

28.04.2023

Parveen kumar

(NAMIT KUMAR)
JUDGE