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

**CRM-M-3560-2023 (O&M)
Date of Decision: 27.02.2023**

Sameer Tanwar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. J.S. Hooda, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER J. (ORAL)

CRM-8329-2023

The present application is filed for placing on record Annexure P-5 to Annexure P-7.

For the reasons mentioned in the application, the same is allowed and Annexure P-5 to Annexure P-7 are taken on record, subject to all just exceptions.

CRM-M-3560-2023

Present petition is filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.624 dated 02.10.2022, under Sections 323, 427, 341, 379-B, 506 and 34 of Indian Penal Code and Section 201 of Indian Penal Code (added later on), registered at Police Station City,

Palwal.

Custody certificate dated 26.02.2023 of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR on the basis of statement of one Subhankar Mitra (complainant) wherein he alleged that in the late evening of 01.10.2022, three boys assaulted him, broke his car, took his mobile phone and snatched his gold chain. Learned counsel further submits that the petitioner and co-accused (Mohit) were on their way to have dinner at Dharma Dhaba and while driving, the complainant's car came close to the co-accused- Mohit's Car and then the co-accused (Mohit) stopped the car of the complainant and started beating him and broke his car. Learned counsel further submits that the alleged car belongs to the co-accused (Mohit) and as per the investigation, Mohit got arrested on 31.12.2022 and he disclosed that he had snatched the mobile phone and gold chain and also he broke down the mobile phone of the complainant and later on threw it in Agra canal and sold the gold chain to some passer-by at Hodal Border. It is further submitted that the petitioner has no concern with the alleged occurrence and no recovery has been effected from the petitioner. Learned counsel submits that the petitioner is not involved in any other case.

Learned counsel for the petitioner submits that the petitioner has been in custody since 17.11.2022 and the investigation of the case is complete. It is further submitted that the challan has been already presented and the charges have also been framed. Learned counsel further submits that the petitioner herein is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of

regular bail is made.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence, however, it is not disputed that no recovery has been effected from the petitioner. It is also not disputed that the investigation in this case is complete and even charges have been framed.

I have heard learned counsel for the parties and perused the paper book as well as the custody certificate filed by learned State counsel, in Court today.

In this case, the investigation is complete and challan has already been presented against the petitioner and even charges have also been framed. The petitioner has been in custody for the last more than 3 months. Concededly, no recovery has been effected from the petitioner. The trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind the bars.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

27.02.2023

Himani

**(HARSH BUNGER)
JUDGE**

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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |