

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

**CRM-M-3949-2023
Date of Decision: 18.04.2023**

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..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ashok Kaushik, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

HARSH BUNGER J. (ORAL)

Prayer in the present petition, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioner in case FIR No.942 dated 07.10.2022, under Section 379-A of the Indian Penal Code, 1860, at Police Station Camp Palwal, District Palwal.

Upon issuance of notice, status report by way of an affidavit of Vijay Pal, HPS, Deputy Superintendent of Palwal, District Palwal on behalf of the respondent/State of Haryana has been filed in this case.

Brief facts of this case are that on 28.09.2022, at around 7.00 P.M., Rahul Sharma (complainant) was going towards Railway Station, Palwal and was talking on his mobile phone. Suddenly, someone came on motorcycle bearing No.HR-30R-6267 and snatched the mobile phone (Samsung Galaxy 13) of the complainant having SIM No.83969-93559.

Accordingly, the present FIR was registered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is submitted that petitioner has no concern with the alleged occurrence and in fact he was arrested in another case FIR No.633, dated 04.10.2022, under Section 379-A, at Police Station Camp Palwal and the present case has been foisted upon him. It is submitted that petitioner was taken on production warrants from jail on 15.10.2022 and then he was arrested in the present case. Learned counsel submits that nothing is to be recovered from the petitioner. It is further submitted that the petitioner has been in custody since 15.10.2022 and the investigation is complete; challan stands presented against the petitioner on 12.12.2022 and even charges have been framed against the petitioner on 03.02.2023. It is stated that out of 10 witnesses, only 4 witnesses have been examined and the trial would take some time and the petitioner 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 and also submits that the petitioner is involved in one other case, however, it is not disputed that the petitioner has been in custody for more than six months, challan has already been presented and charges have been framed. It is also not disputed that out of 10 witnesses, only 4 witnesses have been examined.

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

In this case, the petitioner has been in custody for more than six months; challan has already been presented and charges have already been

framed. Out of 10 witnesses, only 4 witnesses have been examined till date. 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, during the pendency of the trial.

The petitioner shall appear before the police station concerned on alternate Monday of every month till the conclusion of the trial and on each such appearance, the petitioner shall file an affidavit stating therein that he is not involved in any other case other than the case(s) mentioned in this petition.

In addition, the petitioner (or any one on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law, in case of the absence of the petitioner from trial without sufficient cause.

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.

18.04.2023

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(HARSH BUNGER)
JUDGE

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