

CRM-M-5283-2023

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

**CRM-M-5283-2023 (O & M)
Date of decision: 03.08.2023**

MANDEEP SINGH

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Mehak Sawhney, Advocate,
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

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Allowed as prayed for. Annexure A-1 is taken on record,
subject to all just exceptions.

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1. Through this petition, the petitioner seeks regular bail in case FIR No.257 dated 13.07.2021, under Section 25 of the Arms Act and Sections 201, 342, 379-B and 392 IPC, registered at Police Station Assauda, District Jhajjar.

2. As per the case of prosecution, the petitioner was one of the assailants, who under the pretext of hiring the Ertiga Car of the complainant, had tied his mouth and hands and committed snatching of his car alongwith cash amount.

3. Learned counsel for the petitioner contends that the petitioner has been neither named in the FIR nor arrested at the spot; that the

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petitioner was arrested in FIR No.404 dated 04.08.2021, under Section 25 of the Arms Act, registered at Police Station Model Town, Rewari and the weapon allegedly used by him in the present case, had been recovered from him in that case. It is further submitted that the petitioner was arrested in the present case on 03.09.2021 and since then, he has been in custody. It is further submitted that co-accused Tarun has since been granted the concession of bail, and that out of 26 prosecution witnesses, only 05 witnesses have been examined till date. So far as three other cases registered or pending against the petitioner, are concerned, he has not been named and has been released on bail therein.

4. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner alongwith the co-accused had hired the car being driven by complainant-Jaipal; that however on the way to Delhi, the accused tied the hands of the complainant and one of the accused had started driving the car on the KMP Road towards Kharkhoda; that when owner of the car came to know that it was proceeding towards Kharkhoda, he had got switched off it with the help of GPS, and that thereafter, the accused had run away from the spot. It is further submitted that the petitioner had actively participated in the occurrence and that the petitioner is a habitual offender and has as many as three other cases registered or pending against him. It is further submitted that material prosecution witnesses are yet to be examined.

5. I have heard the learned counsel for the parties.

6. The petitioner was not arrested at the spot. The petitioner has been in custody since 03.09.2021. Out of 26 prosecution witnesses, only 05

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witnesses have been examined so far. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

7. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

03.08.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No