

CRM-M-6980-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6980-2023 (O & M)

Date of decision: 12.07.2023

Sahil @ Golu

.... Petitioner

V/s

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Satbir Singh Gill, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.572 dated 30.07.2022 under Sections 379-A, 201 IPC, registered at Police Station Civil Lines Sirsa, District Sirsa.

2. The present FIR came to be registered at the instance of the complainant-Rajesh Yadav who stated that he was a cook, residing on rent at Housing Board Colony, Sirsa. On the date of the occurrence, while he was on his way to cook food at HUDA Colony Sirsa and was talking on his mobile phone, two boys came from behind on a motorcycle, snatched his mobile phone and sped away from the spot. The boy who had snatched the mobile phone was wearing a T-shirt of orange colour. He could identify them in case they came in front of him. The description of the motorcycle

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was also given and the mobile phone was of the Samsung company. Legal action was sought against the said boys.

3. The learned counsel for the petitioner contends that the petitioner was not named in the FIR and no specific role had been attributed to him. In fact, the alleged recovery of the snatched mobile from the petitioner had been foisted upon him. As the petitioner was in custody since 12.08.2022, none of the 06 prosecution witnesses had been examined so far and he was a first-time offender, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that during the course of the investigation, CCTV footage of the cameras installed near the place of occurrence were checked and photographs of the snatchers were collected. The petitioner was arrested on 12.08.2022 alongwith the snatched mobile phone. Pursuant thereto, the complainant had identified the accused/petitioner as a snatcher of his mobile phone. He had also identified the mobile which was recovered from the petitioner. He, however, does not dispute the fact that the petitioner was in custody since 12.08.2022, none of the 06 prosecution witnesses had been examined so far and the petitioner was a first-time offender.

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

6. The veracity of the prosecution case shall be established during the course of Trial. Admittedly, the petitioner is in custody since 12.08.2022 and as none of the 06 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required, moreso, when he has no criminal antecedents.

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7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-Sahil @ Golu is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime other than the present one.

9. In addition, the petitioner (or someone 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.

(JASJIT SINGH BEDI)
JUDGE

July 12, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No