

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

CRM-M-7701-2023(O&M)

Date of Decision:-17.02.2023

Rohan @ Rahul.

.....Petitioner.

Versus

State of Haryana.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Simranjeet Singh, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.404 dated 02.08.2022 under Sections 379-A IPC read with Section 34 IPC registered at Police Station City Fatehabad, District Fatehabad.

The brief facts of the case are that Rajindra Kaur (complainant) stated that on 21.07.2022 while she was walking towards her home, two boys came on a motor cycle and snatched one gold ear ring from her ear and the boys sped away on their motor cycle. Legal Action was sought.

Based on the aforesaid information, the present FIR came to be registered.

The counsel for the petitioner contends that the petitioner is not named in the FIR nor has the number of the motor cycle been disclosed. There is an unexplained delay of 13 days in registration of the FIR. After the arrest of the petitioner, only Rs.7,000/- came to be recovered from his house. In fact, the petitioner has been implicated in three other cases including two cases registered on 01.08.2022 and 02.08.2022. The third

case stands registered on 17.06.20222. He contends that all the cases have been foisted upon the petitioner. Since the petitioner was in custody since 2.8.2022 and none of the 18 prosecution witnesses had been examined so far, the petitioner was entitled to the grant of bail.

The learned Counsel for the State on the other hand contends that the petitioner is a habitual offender having been involved in three other cases of similar nature. He, therefore, contends that the petitioner did not deserve the concession of bail.

I have heard learned Counsel for the parties at length.

The veracity of the prosecution case against the petitioner shall be established during the course of trial. He is stated to be in custody since 2.8.2022 and none of the 18 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded any time soon. As such the further incarceration of the petitioner is not required.

Thus, without commenting on the merits of the case, the petition is allowed and petitioner-**Rohan @ Rahul** son of Sh. Rajesh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the cases mentioned in this order.

In addition, the petitioner (or any one on their behalf) shall prepare an FDR in the sum of Rs.1,00,000/- 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 the trial without sufficient cause.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

Feburary 17, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>