

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-8509-2023 (O&M)

Date of Decision: 22.03.2023

SAURABH

...Petitioner

V/S

STATE OF HARYANA AND ANR.

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Parminder Walia, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG Haryana.

DEEPAK MANCHANDA J.

The petitioner is seeking regular bail in the case bearing FIR No. 388 dated 03.10.2022 under Sections 379-B, 120-B and 201 of the Indian Penal Code at Police Station Sector-14, Panchkula District Panchkula.

Learned State counsel has filed reply by way of affidavit of Raj Kumar Ranga, HPS, ACP Panchkula and the same is taken on record.

Learned counsel for the petitioner contends that the FIR has been registered against three unknown persons and petitioner has been falsely implicated in the present case as the present petitioner was not present at the spot of incident and the money got snatched from the complainant has already been recovered from the co-accused. Learned counsel further contends that petitioner has been nominated on the disclosure statement of the co-accused Shahbaz Khan @ Labha, who is in police custody and no other case is pending against the petitioner and submits that the petitioner is in custody since 18.10.2022, investigation of the case is complete and challan already stands presented.

On the other hand, learned State Counsel has opposed the

aforesaid prayer, however, he submits that investigation of the case is complete and the challan stands filed.

Having heard learned counsel for the parties and gone through the case file and reply filed by learned State counsel, it is significant to note that the petitioner is in custody for a period of 05 months and 03 days and it is admitted in the reply that petitioner has been nominated on the disclosure statement of the co-accused. Investigation of the case has been completed, challan stands presented. Further since the admissibility of the disclosure statement made by the co-accused and veracity of the same, itself is debatable and conclusion of the trial shall take considerable long time and no useful purpose would be served by keeping the petitioner in further incarceration as no other case is pending against the petitioner.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

22.03.2023
Ajay Goswami

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No