

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-12776-2023

Date of decision: 20.03.2023

Vishal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Yadav, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.839 dated 04.11.2022 lodged under Sections 379-B and 392 read with Section 34 of the Indian Penal Code, 1860 registered at Police Station Rohtak City, District Rohtak.

Learned counsel for the petitioner submits that a false and fabricated case has been foisted upon the petitioner on the allegations that he along with 03 others snatched ₹10,000/- from the pocket of the complainant and thereafter threatened him not to disclose it to anyone. Learned counsel submits that a perusal of the FIR reveals that the petitioner learnt about the name of the accused including the petitioner on making enquiries and the FIR was also registered after unexplained delay of 01 day. He submits that the petitioner has clean antecedents and is not involved in any other criminal case much less a case of

similar nature. It has further been urged that since the petitioner has been in custody since 05.11.2022 and investigation is complete, his further incarceration would serve no useful purpose moreso when as many as 17 prosecution witnesses have been cited by the investigating agency. Learned counsel further submits that two similarly situated co-accused have been extended the concession of bail by the Trial Court.

Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SI Budh Singh, has not been able to dispute that the petitioner is not involved in any other criminal case much less a case of similar nature. Learned State counsel has also not been able to controvert that 02 out of the 03 co-accused have been extended the concession of bail by the Trial Court. He on further instructions submits that the charges are likely to be framed on the next date of hearing i.e. 19.05.2023.

I have heard learned counsel for the parties and perused the material placed on record.

As conceded by learned State counsel, the petitioner is not involved in any other criminal case much less a case of similar nature and 02 out of the 03 co-accused have been extended the concession of bail by the Trial Court. Further incarceration of the petitioner, who has been in custody since 05.11.2022, would serve no useful purpose as the charges in the case have not yet been framed. Hence, this Court deems it appropriate to extend the concession of bail to the petitioner.

In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it

is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

20.03.2023
Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No