

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M-16443-2023

Date of Decision: 13.04.2023

Sagar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Akshit Mehta, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 12.04.2023, filed by learned counsel for the State is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 0029 dated 03.09.2022 registered under Section 379B read with Section 34 IPC at Police Station G.R.P. Bahadurgarh, District G.R.P. Ambala Cantt.

As per allegations levelled in the FIR, on 22.08.2022 at around 10:30 P.M., when the complainant along with this family was travelling in Kalindi Express, on reaching Bahadurgarh Railway Station in the morning, an unknown person came and sat in between the ladies of his family and started hurling abuses to someone on his mobile. On being objected to by the complainant, he called his other 2-3 accomplices from the other coach of the train and gave beatings to him and misbehaved with

the ladies and inflicted injury on his eye. Thereafter, when the complainant was deboarding the train at Bahadurgarh, a red colour bag being possessed by his wife containing Rs.10,000/- was snatched by him and in a hurry, the said accused left behind his bag which was handed over to the police.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner was not named in the FIR. He has falsely been implicated in the instant case on the basis of disclosure statement suffered by his co-accused, namely; Pritam, which is a very weak type of evidence. No recovery was effected from the petitioner. He is not involved in any other case. The petitioner is in custody since 04.12.2022. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Co-accused of the petitioner, namely, Mohit, had already been enlarged on bail vide order dated 20.02.2023 (Annexure P-2) passed by a co-ordinate Bench of this Court. Thus, it is prayed that treating the case of the petitioner on the same parity as that of his co-accused, he may also be granted the concession of regular bail.

On the other land, learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioner. However, learned counsel for the State fairly conceded the fact that the petitioner is not involved in any other case.

I have heard learned counsel for the parties and carefully gone through the record.

Keeping in view the facts and circumstances of the case, the fact that petitioner is not involved in any other case and treating the case

of the petitioner on the same parity as that of his co-accused, namely; Mohit, who had already been enlarged on bail, but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-Sagar, is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

13.04.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No