

CRM-M-18568-2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18568-2023 (O & M)

Date of decision: 31.07.2023

Sachin

..... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sunil Bhardwaj, 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 the regular bail to the petitioner in FIR No.156 dated 16.04.2022 under Sections 341, 379-A, 506 and 34 IPC at Police Station City Bahadurgarh.

2. The instant case came to be registered on the basis of a complaint by one Sudhir who stated that while he was returning from his duty on a motorcycle at midnight, he was wrongfully restrained by four boys on a motorcycle who snatched away his bag containing his I-Card, Driving License, mobile phone, ATM cards, etc.. while extending threats to kill him.

During the course of investigation, on the basis of secret

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Tota and Deepanshu @ Pahadi came to be apprehended and their identification was got conducted from the complainant, who identified them as the accused who had committed the instant offence.

Accused-Deepak got recorded his disclosure statement that he had handed over the snatched motorcycle, mobile phone and bag to his friend Kaku. The said motorcycle was got recovered in an abandoned condition.

3. The learned counsel for the petitioner contends that the petitioner has not been named in the FIR but only came to be arrested on suspicion. No recovery was effected from him pursuant to his arrest. As he was in custody since 10.08.2022 and none of the 12 prosecution witnesses had been examined so far, he was entitled to the concession of bail being a first-time offender.

4. The learned counsel for the State, on the other hand, contends that the petitioner and his co-accused have committed a grave offence for which they were not entitled to the concession of bail. He, however, concedes that the petitioner is a first-time offender, in custody since 10.08.2022 and none of the 12 prosecution witnesses had been examined so far.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the trial. Admittedly, the petitioner is in custody since 08.08.2022 and none of the 12 prosecution witnesses have been examined so far. Therefore, the trial of the

present case is not likely to be concluded anytime soon. In this situation, the

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further incarceration of the petitioner is not required, moreso, when he is a first-time offender.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Sachin 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 case/crime other than the present one.

9. In addition, the petitioner (or someone else 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

July 31, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No