

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

**CRM-M-20938-2023**

**Date of Decision:-21.07.2023**

**Raj Kumar.**

.....Petitioner.

Vs.

**State of Haryana.**

.....Respondent.

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

Present:- Ms. Kamlesh, Advocate for  
Mr. Parminder Singh, Advocate for the Petitioner.  
  
Mr. Neeraj Poswal, AAG Haryana.

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**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.1107 dated 17.12.2022 under Sections 379-A and 201 IPC registered at Police Station City, Karnal.

2. The brief facts of the case are that the statement of Arjun son of Parveen was recorded to the effect that he was working as a driver on a private truck. He was on his way to Punjab from West Bengal after loading the container. On 16.12.2022 at about 10.00 pm while he was checking the pressure of the tyre by stopping the container ahead of Namaste Chowk at the side of GT Road, Karnal, 04 young boys came and snatched mobile phone from him and his conductor Gurdeep Yadav. Along with the mobile phones they took away a purse containing an ATM Card along with an Aadhaar Card and a driving licence. Legal action was sought.

Pursuant to the registration of the FIR during the course of investigation, Adarsh Gupta @ Lala and Saurabh @ Kala and Raj Kumar @

Sahil (petitioner) were apprehended. One mobile phone was recovered from Adarsh Gupta whereas another one was recovered from Raj Kumar @ Sahil (petitioner). However, no mobile was recovered from the possession of Saurabh @ Kala.

3. The Counsel for the petitioner contends that none of the accused are named in the FIR. The petitioner and his co-accused were only arrested on the basis of a secret information. The recovery of the mobile phone has been planted upon him. One co-accused Saurabh @ Kala had been granted the concession of bail. As the petitioner was in custody since 31.01.2023 and none of the 09 prosecution witnesses had been examined so far, he was entitled to the concession of bail as he was a young boy of the age of 21 years.

4. The Counsel for the State on the other hand contends that the petitioner is a habitual offender. He was involved in one other case bearing FIR No.29/2023 under Section 379-A IPC P.S. Sector 32/33 Karnal. His case could not be equated to that of Saurabh @ Kala from whom no recovery was effected. However, it is conceded that the petitioner is in custody since 31.01.2023 and none of the 09 prosecution witnesses have been examined so far.

5. I have heard learned Counsel for the parties.

6. It shall be a matter of adjudication during the course of trial as to whether the evidence available against the petitioner and his co-accused is sufficient to affix liability upon them. Admittedly, the petitioner is a young boy of the age of 21-22 years. He is stated to be in custody since 31.01.2023 and none of the 09 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 his further incarceration is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-**Raj Kumar** son of Sh. Ramesh Kumar is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.
9. 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 other case other than the present case.
10. In addition, the petitioner (or someone 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 the absence of the petitioner from Trial without sufficient cause.
11. The petition stands disposed of.

( JASJIT SINGH BEDI )  
JUDGE

July 21, 2023  
Vinay

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |