

224 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22226-2023

Decided on:-25.05.2023

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....Petitioner..

vs.

State of Haryana

....Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sunil Kumar Pandey, Advocate,
for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana.

HARKESH MANUJA J.

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail in FIR No.99 dated 02.03.2020 under Sections 379-B IPC (during investigation offence under Section 379-B IPC was deleted and offence under Sections 392, 397 read with 34 of IPC and 25(1-B)(a) of Arms Act, 1959 were added later on) registered at Police Station DLF, District Gurugram.

2. In the present case, the petitioner has been nominated as an accused on the basis of disclosure statement made by his co-accused, namely, Chanchal with the allegations that he along with his co-accused snatched two mobile phones and one wallet from the complainant on gunpoint.

3. Learned counsel for petitioner submits that the petitioner has not been named in the present FIR and has been falsely implicated. He

further submits that the petitioner has already suffered incarceration for a period of 1 year, 9 months and 5 days now and trial is likely to take some time as only 5 witnesses have been examined, out of total of 24 cited by the prosecution, thus, he prays for grant of concession of regular bail. Even otherwise, co-accused of the petitioner, namely Deepak @ Chatak has already been granted the concession of regular bail by this Court vide order dated 19.04.2023 passed in CRM-M-8997-2023.

4. On the other hand, on instructions from SI Sajjan Singh, learned State counsel opposes the prayer made on behalf of the petitioner while referring to his antecedents, who is allegedly involved in other 11 other cases.

5. I have heard learned counsel for parties and have gone through the paper-book and I find substance in the submissions made on behalf of petitioner.

6. Considering the fact that investigation already stands concluded followed by framing of charge; petitioner having suffered incarceration for a period of 1 year, 9 months and 5 days now and out of other 11 cases, he having undergone sentence in seven cases whereas in one case he is on bail, besides it, co-accused of the petitioner, namely Deepak @ Chatak has already been granted the concession of regular bail by this Court vide order dated 19.04.2023 passed in CRM-M-8997-2023, I do not see any justified reason to extend his incarceration any further as the trial is likely to take some time.

7. Without commenting upon merits of the present case and considering the allegations levelled against the petitioner therein only, which are primarily to be considered by the trial court, the instant petition is allowed.

Petitioner is ordered to be released on bail subject to his furnishing of adequate

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bail bonds/surety bonds to the satisfaction of the trial Court/Illaq
Magistrate/Duty Magistrate.

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(HARKESH MANUJA)
JUDGE

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