

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(221)

CRM-M-23795 of 2023
DATE OF DECISION:-16.05.2023

Uttam @ Bunty

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Aadil Chaudhary, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail pending trial in case FIR No.872 dated 16.12.2022 under Sections 379-B, 34 IPC registered at Police Station Kundli, Sonipat, Haryana.

(2) As per allegations levelled in the FIR, petitioner along with one Rahul snatched mobile phone of the complainant by using a sharp edged weapon.

(3) Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* and the trial is likely to take some time as there are 9 witnesses cited by the prosecution and out of them, none has been examined so far. He further submits that petitioner is a young boy of 25 years of age and he has already suffered incarceration for a period of almost 5 months and there is no other case pending against him, thus, the petitioner deserves concession of regular bail.

(4) On the other hand, learned State counsel opposes the prayer made

herein while submitting that recovery of knife was effected on the basis of disclosure made by the petitioner which was allegedly used in the incident.

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

(6) In the present case, petitioner has already suffered incarceration for a period of almost 5 months and the investigation in the present case already stands concluded with the filing of *challan*. The trial is likely to take some time besides it, petitioner is a young boy of 25 years of age with no past criminal antecedents and as such, I do not find any reason to extend his incarceration any further.

(7) Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

(8) However, nothing expressed hereinabove shall be construed as an expression of opinion on the merits of the case.

16.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No