

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

CRM-M-24586-2023

Decided on:-18.05.2023

Anil @ Rinku @ Mota

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Puneet Kapoor, Advocate and
Mr. Munish Kumar Garg, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, 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 case FIR No.353 dated 23.03.2022, under Sections 392 and 34 IPC (charge sheeted only u/s 392 IPC), registered at Police Station Hisar Sadar, District Hisar.

2. As per the allegations levelled in the FIR, petitioner forcibly sat and drove the car, which was in possession of the complainant being driver of its owner and snatched Rs.5000/- and one mobile phone from him, besides having got transferred another sum of Rs.5000/- from the owner of the vehicle through Paytm.

3. Learned counsel for the petitioner submits that the petitioner is in custody for the last 01 year and 01 month now and the investigation in the present case already stands concluded with the filing of challan, followed by framing of charges, however, none has been examined, out of total of 06 witnesses cited by the prosecution, thus, the trial is likely to take some time.

He also refers to the zimni orders passed by the trial Court, as per which, for the last almost 23 dates, none of the prosecution witness has appeared.

4. On the other hand learned State counsel opposes the prayer made on behalf of the petitioner while submitting that the petitioner is involved in 5 other cases, though, in one case he stands acquitted, in 03 cases he is on bail and fifth one is pending trial.

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. Although, the petitioner is involved in 05 other cases, however, considering the fact that the petitioner is behind the bars for the last 01 year and 01 month now, the investigation in the present case already stands concluded with the filing of challan, followed by framing of charges and trial likely to take some time as well as the fact that for the last 23 dates, none of the prosecution witness has appeared, I do not find any reason to extend the incarceration of the petitioner any further.

7. In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

18.05.2023
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No