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

CRM-M-27386-2022

Date of decision : 23.02.2023

Raju**....Petitioner**

Vs.

State of Haryana**...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Kartar Singh Malik, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.105 dated 04.05.2021 under Sections 379-A and 34 Indian Penal Code, 1860 (Sections 379-B and 201 IPC added and Section 379-A IPC deleted later on) registered at Police Station Sadar Bahadurgarh, District Jhajjar, who is in custody since his arrest on 18.05.2021.

The allegations in the FIR, as noticed by the learned Additional Sessions Judge, Jhajjar in the order dated 05.10.2021 are as under:

“In brief, the prosecution case was that on 4.05.2021, at about 3.45 AM, the complainant, resident of village Gandhara was at Nahra-Nahari Road, at Mukundpur Bus-stop and had stopped his car, to confirm about the direction in which, he was heading, in his car, that three boys, on a motor-cycle, make HF Deluxe, wrongly restrained him and grabbed the keys of his car; mobile phone bearing SIM Card and cash of Rs. 300/- from him and fled in his car, towards village Kanonda. Two of the offenders were stated to be aged about 25-26 years and one, was 20-22 years old. On the basis, of the complaint lodged, FIR was registered for the commission of

offences punishable under Section 379-A, 34 of IPC. During investigation, the offence under Section 379-A of IPC was deleted and that under Section 379-B of IPC was added. Accused were apprehended. Santro Car of the complainant was recovered from Manoj @ Meenu. Remaining accused were also arrested, on the basis of their disclosure statement recorded by the police.”

Learned counsel has argued that the petitioner was implicated in this case on the basis of the disclosure statement of the complainant, and no recovery has to be effected from the petitioner. He has further produced the copy of the statement of complainant-Narender (PW-1) to contend that he has not supported the case of the prosecution and has been declared hostile. He has further argued that after framing of charges on 22.09.2021, till date only three prosecution witnesses have been examined out of total twelve witnesses. He prays for bail.

The prayer is opposed by learned State counsel assisted by SI Jai Bhagwan, who argued that the petitioner is also involved in six other cases as well. In this regard, he has produced the custody certificate by way of an affidavit of Amit, Deputy Superintendent, District Prison. However, it is not disputed by learned State counsel that the petitioner is on bail in all these cases. According to him, though the charges in this case were framed on 22.09.2021, but only three prosecution witnesses including complainant have been examined so far. He on instructions further states that the case is now fixed for 17.03.2023 for recording the prosecution evidence before the trial Court.

After hearing learned counsel for the parties and considering the above background as well as the custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful

purpose, who is presently confined in judicial custody after his arrest on 18.05.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

23.02.2023
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No