

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

CRM-M-28621 of 2023 (O&M)

DATE OF DECISION: 03.07.2023

Ravi Dass

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. D.S.Virk, Advocate,
For the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

ARUN MONGA, J. (ORAL)

Custody certificate of petitioner has been tendered in course of hearing, which is taken on record.

2. After being declined bail by the trial court, petitioner before this Court, seeks his release as undertrial in criminal case bearing FIR No.397 dated 10.08.2021, registered under Section 379-A IPC at Police Station City Sirsa, District Sirsa.

3. Per FIR, on 10.08.2021, complainant Daljeet Singh filed a complaint on the allegations that 3-4 days ago, when he was returning from school, near Polytechnic College, two youths came from behind on a motorcycle and snatched his mobile phone MI having SIM No.72068-26226 and fled away. He was scared and disclosed this incident to his parents after three days. Thereafter, the FIR was got registered against two unknown bike riders.

4. Learned counsel for petitioner *inter alia* contends that petitioner was nabbed without any proof of his

involvement. Counsel also submits that, in pending investigations, it is a common tendency among police officials to implicate innocent individuals who are in custody, when they fail to apprehend the actual culprits, solely to solve those cases.

4.1 He further submits that complainant and his father have already been examined and petitioner is in custody since 17.09.2021. Challan has already been presented and charges have been framed and next date of hearing before the trial Court is 31.8.2023. Conclusion of trial will take long time. No useful purpose would be served by keeping petitioner in further preventive custody.

5. Per contra, learned State counsel opposes the bail petition. He submits that petitioner is a habitual offender. He was involved in five other cases out of which in four cases he was convicted and sentenced to already undergone period and in only one case he was acquitted. He does not deserve concession of bail.

6. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

7. Petitioner is in custody in this case since 17.09.2021. Investigation is complete. Material witnesses have been examined. Out of 11 witnesses, 6 have already been examined and 5 witnesses are yet to be examined. Trial is still likely to take long time, whereas petitioner has already been languishing in jail for the past one year and nine months in preventive custody.

8. Considering the overall scenario and without commenting on merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep petitioner in further preventive custody.

9. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

10. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

03.07. 2023
vandana

(ARUN MONGA)
JUDGE

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