

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28630-2023

Date of Decision: 09.08.2023

Lucky

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Naresh Kumar Ganga, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.318 dated 08.11.2022 registered under Sections 341, 392, 201, 34 of IPC at Police Station Sadar Ratia, District Fatehabad.

The FIR was got registered by the complainant by alleging that at about 7.30 p.m. on 08.11.2022, he was going from Baliyala to Ratia and on the way, he was stopped by two unknown persons and they had snatched the mobile phone of the complainant and Rs.4,500/- from him. They also took away his motorcycle bearing registration No.HR-59B-8830.

Learned counsel for the petitioner submits that the petitioner has not been named in the present case and later on, the police is alleged to have recorded the supplementary statement of the complainant, whereby, the petitioner and Geeta were named as an accused in the present case. Learned counsel further contends that in fact the complainant concocted a false story and involved the petitioner in the present case with some ulterior motive. He

further contends that no independent witness was joined at the time of alleged recovery and the entire case is based on the testimonies of police officials. He further contends that the petitioner was arrested in the present case on 19.12.2022. He further contends that the complainant in the present case has been examined and the conclusion of the trial may take quite a long time.

On the other hand, learned State counsel has opposed the prayer made by learned counsel for the petitioner on the ground that there are serious and specific allegations against the present petitioner and he does not deserve the concession of bail.

I have heard the learned counsel for the parties and perused the record.

It is not in dispute that the petitioner was not initially named in the present case and only on the basis of the supplementary statement made by the complainant, he has been arrayed as an accused in the present case. He is in custody since 19.12.2022 and the conclusion of the trial may take a long time. Even one more case under Sections 323, 506 and 34 of IPC was registered against the present petitioner, however, he is on bail in the said case.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

09.08.2023

hemlata

(N.S.SHEKHAWAT)
JUDGE

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