

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-31104-2023

Date of Decision:-28.08.2023

Pritam.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sandeep Siwach, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.892 dated 23.12.2022 under Sections 379A, 411 IPC registered at Police Station Kundli, District Sonapat.

2. The brief facts of the case are that the statement of one Guddu Kumar was recorded to the effect that while he was at NIFTEM College, Kundli and carrying his Motorola black coloured mobile phone in his hand one young boy came from behind and by snatching his phone forcibly tried to run away. He (complainant) followed him and apprehended the boy with the help of others. On being asked the boy disclosed his name as Pritam (petitioner).

3. The Counsel for the petitioner contends that allegations levelled against the petitioner are baseless. Despite the fact that the petitioner had been purportedly apprehended at the spot with the help of various persons, however, none of them have been arrayed as witnesses which falsifies the

prosecution version. Vimal Kumar one of the witness has not supported the prosecution case while appearing as PW-1. The complainant has not deposed in the present case till date. As the petitioner was in custody since 23.12.2022 and only 03 of the 07 prosecution witnesses had been examined so far, he was entitled to the concession of bail more so as as he had clean antecedents with no other case registered against him.

4. The Counsel for the State on the other hand contends that the petitioner was chased and apprehended at the spot. Therefore, the question of false implication of the petitioner does not arise. The nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He however concedes that the petitioner is in custody since 23.12.2022, only 03 out of 07 prosecution witnesses have been examined and that the petitioner is a first time offender.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first time offender and in custody since 23.12.2022. Only 03 of the 07 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded any time soon. In these circumstances, the further incarceration of the petitioner is not warranted.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Pritam** son of Sh. Barsati is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform

in writing each time that he is not involved in any other crime other than the present case.

10. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

11. In addition, the petitioner (or anyone on her behalf) shall prepare an FDR in the sum of Rs.25,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 28, 2023
Vinay

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