

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

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**CRM M-31171 of 2023
Date of Decision: July 13, 2023**

Jatin

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Ramesh Hooda, Advocate for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has moved the present petition under Section 439 Cr.P.C. with a prayer to grant the concession of regular bail to him in case FIR No. 45 dated 18.01.2023 under Section 379-A IPC (later on added Sections 201 and 34 IPC) registered at Police Station City Rohtak, District Rohtak.

2. The FIR in the instant case was got registered by Alka wife of Romin by alleging that at about 6.20 p.m. On 18.01.2023, she was coming on her Activa scooter bearing registration No. HR12Z7545 from duty and she started moving towards flyover near Bangar Theater, then two young boys came behind on one motorcycle and snatched her bag, which was kept by her on the footrest of the Activa.

3. Learned counsel for the petitioner contends that the petitioner was not named in the present case. During the course of investigation, the statement of the complainant was recorded on

08.03.2023, i.e. after more than 1 ½ month of the occurrence, wherein, the complainant stated that she had wrongly given the make and colour of the motorcycle and she had met the accused in Palika Bazar, Rohtak, earlier and when she asked their names, they disclosed their names as Sahil and Jatin, residents of village Kharawar. Further, she changed the colour of her mobile phone also and the supplementary statement recorded on 08.03.2023 was annexed as Annexure P-1 with the petition. Learned counsel further contends that she had changed her earlier version and her statements are liable to be disbelieved only on this ground alone. Learned counsel further contends that the petitioner was arrested in the present case on 12.03.2023 and is in custody since then. Still further, the trial is yet to start against him and his custody will not serve no meaningful purpose.

4. The learned State counsel has vehemently opposed the prayer made by the present petitioner by submitting that the petitioner had committed serious crime. However, she does not dispute the factual submissions made by the learned counsel for the petitioner. She further contends that 13 prosecution witnesses have been mentioned by the prosecution and out of the same, no witness has been examined and charges are yet to be framed against the petitioner.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

July 13, 2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No