

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

228

CRM-M-31683-2023 (O&M)
Date of decision: 12.09.2023

Pawan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sanpreet Sandhu, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 293 dated 18.04.2023 registered under Sections 379-A IPC at Police Station City Yamuna Nagar, District Yamuna Nagar.
2. Status report by way of affidavit dated 05.09.2023 of the Deputy Superintendent of Police, Yamuna Nagar, submitted by the learned State counsel in the Court, is taken on record.
3. Learned counsel for the petitioner submits that that the petitioner was not named in the FIR and has falsely been implicated in the present case on the disclosure statement of co-accused Sanjeev Kumar, from whom recovery of snatched mobile phone of the complainant and *Activa* of the

father of the petitioner has been effected, which was taken by Sanjeev Kumar for some personal work; that the petitioner has nothing to do with the present case; that as far as another case is concerned, in that case also, the petitioner has been involved because of *Aktiva* taken by co-accused for some personal work and misused the same, except that there is no other pending or registered case against the petitioner; that the petitioner has been in custody since 28.04.2023 and that though the challan has been presented, but the prosecution witnesses are yet to be examined.

4. Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has given *Aktiva*, registered in his father's name, to co-accused Sanjeev Kumar, who has snatched the mobile phone of the complainant and the recovery of *Aktiva* and snatched mobile phone has already been effected from said Sanjeev Kumar. The material prosecution witnesses are yet to be examined. However, he does not dispute the custody period of the petitioner.
5. I have heard the learned counsel for the parties.
6. The petitioner has been in custody since 28.04.2023. The petitioner has not participated in the crime. The petitioner has been indicted in the present case, on the disclosure statement of co-accused Sanjeev Kumar, who after taking *Aktiva* from the petitioner has snatched the mobile phone from the complainant and the recovery of *Aktiva* and snatched mobile phone has already been effected from him. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

7. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

12.09.2023
Mangal Singh

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