

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:123492
CRM-M-31976-2023
Date of Decision: September 20, 2023

Irshad @ Dilshad @ Mateda

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Khalid Taurau, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Status report alongwith custody certificate is taken on record.

By way of this petition under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.239, dated 21.04.2018, under Sections 323, 379-A and 34 of IPC, registered at Police Station Sadar Nuh, District Nuh.

As per the prosecution allegations, as complainant Babli Rani was moving towards her place of work, i.e. Community Health Centre, Nuh on 19.04.2018, two boys came there; slapped her and snatched her gold chain weighing 15 grams. The snatchers fled away from the spot. During investigation, complainant made supplementary statement, naming the petitioner and another co-accused, who were arrested.

Learned counsel for the petitioner contends that during her testimony before the Trial Court as PW2, complainant Babli Rani had not established the identity of the petitioner to be a snatcher. Copy of that statement is Annexure P-2. Learned counsel further points out that petitioner is in custody for the last more than 02 years, 11 months and 11 days and that the trial may take time to conclude and so he be allowed bail.

Though, learned State counsel concedes the fact that complainant Babli Rani has not supported the prosecution case qua the identity of the petitioner, but the bail petition has been opposed on the ground that the petitioner is involved in 14 other cases, as per details annexed with the custody certificate.

Heard.

No doubt, petitioner is involved in 14 other cases, but this Court cannot ignore the fact that in the present case, complainant of the case, namely, Babli Rani has clearly stated that the petitioner was not amongst the snatchers. Besides, petitioner is in custody for the last 02 years, 11 months and 11 days.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

Allowed.

September 20, 2023

sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No