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2023:PHHC:120059

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 13th September, 2023

1. CRM-M-31986-2023

Deepak

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

2. CRM-M-33450-2023

David

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Liaqat Ali, Advocate for the petitioners.
Mr. Rajiv Sidhu, Deputy Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

1. These petitions are filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
18	19 th January, 2023	HSIDC Barhi, District Sonapat	379-A and 201 read with Section 34 of IPC, 1860

2. The brief facts are that on 19th January, 2023 Suraj Bajpayee made a complaint that three unknown persons riding a motorcycle snatched his mobile having SIM card No. 9569923691. During investigation Deepak (petitioner in CRM-M-31986-2023), David (petitioner in CRM-M-33450-2023) and Harsh were arrested. At the instance of Deepak motorcycle bearing registration No. HR-42H-6608 was recovered. Harsh got recovered the snatched mobile. As per the case set up, David destroyed the SIM.

3. Learned counsel for the petitioners submits that petitioners

recovered from the petitioners. It is further submitted that in the FIR no mention of the motorcycle allegedly used in the incident is made.

Contention is that it is a case of false implication.

4. Learned State counsel on instructions opposes the prayer for grant of regular bail and submits that petitioners were arrested on the basis of tower location of the snatched mobile. However, on instructions he fairly submits that snatched mobile was recovered from Harsh. Further that investigation is complete; challan stands presented and petitioners are not involved in any other case.

5. It is clarified that observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

6. The complainant had not mentioned the registration of the motorcycle allegedly used in the incident, the snatched mobile was not recovered from the petitioners, the petitioners have clean antecedents, it is not being disputed that tower location was only of a particular village, though the investigation is complete conclusion of trial is likely to take time, petitioners are young boys age of eighteen and twenty years, no useful purpose would be served to keep the petitioners behind the bars, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petitions are allowed.

8. Since the main cases have been allowed, pending application if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

13th September, 2023

Parveen Sharma

PARVEEN SHARMA
2023.09.13 16:21
I attest to the accuracy and
integrity of this document

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No