

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

214/2

**CRM-M-39823-2023 (O&M)
Date of decision: 22.08.2023**

Sahil @ Sukha

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Kartar Singh, Advocate for the petitioner

RAJBIR SEHRAWAT. J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.114 dated 18.02.2023 registered under Sections 398 and 401 of IPC at Police Station City Fatehabad, District Fatehabad.
2. It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted, false and frivolous. The petitioner is not involved in the crime as alleged against him. Even as per the case of the prosecution, the petitioner, along with his co-accused, was only signalling to stop the vehicle. However, no such incident had taken place as such. Investigation in the case is already completed. The petitioner is not required for any recovery or discovery. The petitioner is in custody since 18.02.2023. Hence, the petitioner deserves to be released on bail pending trial.
3. Notice of motion.
4. Mr. Karan Sharma, DAG Haryana accepts notice on behalf of respondent-State. He submits that the petitioner, along with other co-accused, was planning to loot the passerby, which, if committed, would have been a heinous crime. The commission of further crime was prevented only because the police

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had arrested the petitioner pro-actively. During the investigation, the petitioner has got recovered a *kappa* which he was holding at the time of making of the plan. However, it is not disputed that no incident of looting as such has been committed and that the petitioner is in custody since 18.02.2023.

5. In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

22.08.2023
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No