

269

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-43447-2023(O&M)
Date of decision: 20.09.2023

Rohit ...Petitioner
VS
State of Haryana ...Respondent

CORAM: HON’BLE MR.JUSTICE ARUN MONGA

Present: Mr. Sandeep Kotla, Advocate,
For the petitioner.

Mr. Karan Garg, AAG, Haryana.

ARUN MONGA, J. (ORAL)

Aggrieved on being declined bail by learned trial Court, petitioner seeks his release as an undertrial in case bearing FIR No.116 dated 28.07.2023, registered under Sections 379-B, 201, 216, 412 of the Indian Penal Code, 1860 (for short ‘IPC’) and Sections 25, 29 of Arms Act, 1959 at Police Station, Bapoli, Panipat, District Panipat.

2. An FIR (First Information Report) was registered based on a complaint made by Tayyab regarding the car snatching incident that occurred on July 28, 2023, at Yamuna Bridge, Khojkipur. Following this, an investigation led to the arrest of several suspects, including Aryan and Rohit, and the recovery of the stolen items. Initially, charges under Section 379-B of the IPC (Indian Penal Code) and Section 25 of the Arms Act were applied. As the investigation progressed, additional charges, including Sections 201, 216, and 412 of the IPC, as well as Section 29 of the Arms Act, were introduced. Rohit, the petitioner, has been in custody since July 30, 2023.

3. Learned counsel for petitioner submits that FIR was registered against unknown persons. Petitioner has not been booked under Section 379-B IPC. Nothing has been recovered from the possession of petitioner. He has no concern whatsoever with the allegations leveled by the complainant. Petitioner has thus been falsely implicated.

4. On the other hand, learned State counsel opposes the bail petition. He submits that allegations against the petitioner are serious in nature. Recovery of one mobile phone was also effected from the possession of the petitioner. In case, petitioner is granted concession of bail, there are chances of his fleeing from justice. He, however, submits that no other case is pending against him.

5. I have heard rival contentions of learned counsels for the parties and gone through the case file.

6. Allegations against the petitioner are matter of trial at this stage. Commencement/conclusion of trial is still likely to take long time. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Whereas, petitioner has already been languishing in jail for the past more than 01½ month, being behind bars since 30.07.2023.

7. Investigation qua petitioner is over but he is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/or influence witnesses.

8. Petitioner is stated to be 26-year old unmarried person. He is an agriculturist. His father is employed in electricity department. Having family and fixed abode and clean antecedents, it is unlikely that he poses any flight risk and/or will flee from trial proceedings.

9. Considering the overall scenario, without commenting on merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep petitioner in further preventive custody.

10. Accordingly, petitioner is ordered to be released on bail in case not required in any other case on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

11. In case, petitioner is found involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.
12. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of bail hearing alone and learned trial Court shall proceed without being influenced with this order.
13. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

20.09.2023
Vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No