

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46831-2022
Date of Decision:-20.03.2023

SURENDER

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Jitender Dhanda, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.220 dated 12.09.2017 registered under Section 395 IPC at Police Station Bhattu Kalan District Fatehabad.

The allegations in nut-shell are that on 1.9.2017 complainant Prem Kumar was going in his Swift Desire bearing registration No.HR-24-S-7772 and on the way he was intercepted by Rupana Ganja and Shakkar Mandori, Subhash @ Channi, Urbin @ Kunda and there were also other persons in Bolero Camper and they gave beatings to the complainant and

snatched his car and also took away his mobile phone and cash worth Rs.4,000/- and some other documents.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is in custody for the last more than 2 years. The counsel for the petitioner further submits that the petitioner is not named in the FIR and arraigned as an accused on the basis of disclosure statement made by another co-accused veracity of which will be tested during the trial. The counsel for the petitioner further submits that nothing was recovered from the petitioner and the trial is going at snails pace and that similarly situated co-accused Arvind and Krishan Kumar who were not named in the FIR have already granted regular bail vide orders dated 5.3.2019 and 25.11.2021, respectively and copies of the said orders are placed on record. So prayer is made that the petitioner be granted regular bail.

The instant petition is contested by the State counsel, who on instructions from ASI Mohinder Singh submits that during investigation it was found that the petitioner was also involved in the snatching of car of the complainant and resultantly he was nominated as accused and arrested thereafter. However the State counsel has not disputed that nothing was recovered from the possession of the petitioner who is in custody for the last 2 years and 11 witnesses out of 34 witnesses have been examined till date on behalf of the prosecution. The State counsel has also not disputed the fact that co-accused Arvind and Krishan Kumar are given concession of bail by the Co-ordinate Bench of this Court.

I have considered the submissions made by counsel for the parties.

Admittedly the petitioner was not named in the FIR and later on nominated on the basis of disclosure statement made by co-accused Suresh who was also not named in the FIR. No snatched article was recovered from the possession of the petitioner, who is lodged in custody for the last more than 2 years and it will take time for the trial to conclude as till date only 11 witnesses have been examined out of 34 prosecution witnesses.

In view of the above no purpose is going to be served by prolonging incarceration of the petitioner by keeping the accused behind the bars for any longer period.

Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

20.03.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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