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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 45506 of 2023
Date of Decision:- 08.12.2023

SHISHPAL @ KABADI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Savita Rana, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
141	11.03.2023	379-A IPC (201 IPC added lateron)	Gharaunda, District Karnal.

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and is in custody since 12.03.2023. He submits that petitioner has not committed any offence nor is involved in any other case and the challan has already been presented in Court and hence he prayed for grant of concession of bail to the petitioner.

3. Learned State counsel has submitted reply dated 08.12.2023 filed by way of affidavit of Deputy Superintendent of Police, (HQ) Karnal, the same is taken on record. He has opposed the bail application by arguing that there are specific allegations against the petitioner and co-accused of snatching mobile phone and cash from the complainant which has since been recovered. He submits that mobile phone of the complainant has been recovered from the petitioner and hence he is not entitled for concession of bail. He however, admits that challan has been presented in Court and charges have been framed but till date none out of the 7 witnesses cited by the prosecution have been examined.

4. After considering respective submissions and perusing the record, it transpires that the petitioner was nominated in this case and on his apprehension on 12.03.2023 recovery of mobile phone allegedly snatched from the complainant was effected from him. It is not disputed that there is no other case registered against the petitioner. The Challan has already been presented in Court and the charges have been framed on 26.07.2023. Prosecution has cited 7 witnesses but till date none has been examined, criminal liability if any, could only be determined after conclusion of trial which in the aforesaid circumstances may take sufficient long time. The petitioner being in custody since 12.03.2023, therefore, no purpose would be served by detaining him in custody any longer to face incarceration.

5. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served by keeping the petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds

to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

08.12.2023

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No